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- Pistorius found NOT guilty of Murder
- Grayling's plans for new dedicated Mental health prison network
- Freedom of information request- What is an accredited programme?
- Win £25 in our Caption Competition plus more!

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#### Law

Your questions answered by prison experts

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Your own personal guide to Governor adjudications

### **Clean Sheet**

Charity - provide help and assistance with their 3 step employment pathway

### **Think your tough?!**

Your personalised full centre page fitness pull out - Give it a go!

Tel: 0115 9860983

**Edition no.1** 

October 2014

# ARE YOU EXCEPTIONAL

We update and review the most recent exceptional criteria applied by NOMS after the Ministry of Justice sends letters to all indeterminate prisoners who are now deemed unsuitable for open conditions and due a review by the Parole Board

Even if you have been living under a rock for the last 6 months, everyone should now be aware that on 21st May this year restrictions were put into place banning any prisoner from transferring to open conditions if, they had:

**A.** Absconded or attempted to abscond from open conditions; and/or

**B.** Failed to return from a period of ROTL;

C. Been convicted of a criminal offence that took place when they were on ROTL; and/or D. Escaped or attempted to escape from a prison or escort.

We have been contacted by many indeterminate prisoners who have received a letter from the Ministry of Justice, prior to their review by the Parole Board.

The letter advises that in your particular case, the Secretary of State has withdrawn the invitation to consider suitability for open conditions, however the board will still be considering release.

The MOJ also advises that anyone who does

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not meet the criertia for Category D conditions will be considered for a transfer to a "new reintegration regime" which will be up and running by Autumn this year.

However there have already been concerns raised that one of the chosen establishments, HMP Downview, which will have a new education centre may not be open until next year after an MOJ spokesperson commented:

"Currently we do not need to open Downview in October and expect to open it later in the year or early in the new year - contributing to our overall approach to drive down costs.

"We do not need to open Downview at this time as we have sufficient places".

The new regime will be specifically designed for Indeterminate sentence prisoners with a history of abscond unable to satisfy the tests of exceptional circumstances.

The letter comments: "The regime is being designed so as to encourage prisoners to take more personal responsibility to produce the ev-

idence which they need to secure release from custody on completion of tariff, with which they will be supported by relevant interventions and by appropriately trained staff. There will be a secure perimeter fence, in accordance with Category C conditions. There will be no entitlement to ROTL other than in exceptional circumstances."

Anyone who receives this letter is entitled to submit representations, to argue that they should be given the opportunity of being tested once again in Category D conditions.

A deadline of 28 days is provided to allow you to seek legal advice and submit representations, following which an assessment will then be carried out by NOMS.

So, how do you convince NOMS that you should be transferred to open conditions?

There are 2 avenues which can be followed,

TURN TO PAGE 3

## Free 2015 calendar for every reader! Please see page 28 for further details



Our team of over 25 specialist advisors have a wealth of experience to offer you including:

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- DSPD Assessments
- Accessing Courses
- Parole
- Recall
- Independent Adjudications
- Governor Adjudications
- Challenge of MDT's
- HDC "Tagging"
- Transfer
- Judicial Review
- Tariff Representations Criminal Appeals & CCRC
- Police Interviews



The National Prison Newspaper is delivered to establishments throughout England and Wales.

We try to provide a voice for all our readers, therefore if you would like to get in touch in relation to any matters that are important to you, we urge you to contact us.

Please feel free to write to us at:

Jail Mail PO Box 10419 Nottingham NG2 9QF

Jail Mail, whilst delivered free of charge to prisons and visitor centres, it is also available by subscription for an annual fee of £20 + postage.

We are currently working on a digital version, specifically optimized for smart phones and tablets for those in the community, which will be announced shortly.

In the meantime, the paper can be viewed online at our website and if you would like further details please visit us at:

www.jailmail.co.uk

Alternatively, we can be contacted us by email at: Admin@jailmail.co.uk

We can also be contacted by telephone on: 0845 226 2841

We are pleased to announce that from November we will also be delivering to establishments in Scotland - so look out for us!

We look forward to hearing from you and hope that you find the contents not only interesting but helpful and a source of support.

Also, don't forget to request your free 2015 calendar whilst stocks last, please see page 28 for further details.

Enjoy!

Views expressed in Jail Mail are those of the authors and not necessarily the views held by Jail Mail or its representatives.

### Current Prison Capacity Figures 19/9/2014

Total population	85,493
Male population	81,580
Female population	3,913
Useable Operational Capacity	87,723



#### **Behind Jail Mail**

The director of the paper is myself Stephen Luke. I am a qualified Solicitor and have practised Prison Law and represented numerous offenders over the last 15 years.

My passion has always been to represent those who need help the most, but why start a paper?

I have always wanted to do more and provide help in any way that I can, especially for those in custody.

Over the years I have worked with a number of great organisations, charities and professionals and have built up great and lasting relationships with those who work for and independently of the Prison Service to uphold your Human Rights and provide as much support as possible.

It was therefore only logical that for me to be able to get as much information to prisoners as possible and to try and put you in touch with professionals who can offer help and support throughout your sentence and upon release, to make a publication combining all the services you will need to help you progress through the system and to put you in touch with charities and organisations who can provide support now and later on down the line.

I also want you to have your say! I encourage you to take advantage of our question and answer pages and write to us with your concerns, positive or negative, so we can share these with others, who can then offer their own support and input and not just those serving in custody, but officers, professionals, governors and family members' as well.

If it is important to you, then it's important to us and anyone else reading this paper.

Each month we will publish your letters, so why not write to us now at:

Your Say Jail Mail Po Box 10419 Nottingham NG2 9QF

Please make sure that you include your name and prison number so we can credit your letter. However, should you wish to remain anonymous please let us know

I hope you enjoy the very first edition and many more to come.

If you are a charity, organisation or solicitors firm and want to contribute to Jail Mail, we would be more than happy to hear from you and any services you can provide to help serving prisoners and their loved ones during their time in custody.

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You can either, dispute any factual inaccuracies of the incident(s), meaning that you will need to provide a "full explanation why you believe the incidents set out are factually inaccurate" Any challenge that you bring will be fully investigated and if proven in your favour you will be deemed eligible to have your case considered by the Parole Board as to your suitability for a move to open conditions as usual.

If you are unable to challenge the previous incident, you can then argue that you possess exceptional circumstances, meaning that despite your previous abscond or failure you should still be eligible for Category D conditions.

The exceptional criteria applied is:

 "You have made significant progress in reducing your risk of harm and risk of abscond such that a further abscond is judged very unlikely to occur;

**AND** you meet one or more of the following exceptions:

There are compelling circumstances beyond

your control which make a placement in open conditions necessary; or

- A placement in open conditions is absolutely necessary, in that your need to provide evidence of reduced risk for your parole reviews and your need for resettlement work cannot be met in a progressive regime in closed conditions; or
- Preventing the offender returning to open conditions would in all the circumstances be manifestly unjust/unfair."

If you are unable to meet the above test:

"NOMS will ensure that report writers draw from evidence in the progressive regime when providing Parole Board Panels with their assessment and recommendations for the offender's post-tariff parole review.

Again, it will be for NOMS to assess whether an offender is suitable for a place in the progressive regime in Category C conditions, and NOMS will produce guidance for report writers to ensure that they understand that the progressive regime operates in parallel to an open conditions regime from which an ISP with an abscond history is excluded."

We are facing uncertain times, and everyone is unsure how the new regime will work and fit into the current system as it stands, with already overcrowed and under-staffed establishments.

Jail Mail is interested to hear your views and thoughts. Do you think this will work? or will there be concerns that institutionalised prisoners will now face release without any further access to ROTLs or testing. Potentially setting longer serving prisoners up to fail?

Contact us with your comments, whether positive or negative, which we will be happy to include in next month's edition.

By Reise Griffiths Wright **Prison Law Consultants** 

# Let the games begin!

Enhanced prisoners on the Incentives and Earned Privileges Scheme can now purchase new games after restrictions were lifted on the Xbox 360, which has now been confirmed by the Ministry of lustice

Adapted, wifi free consoles can now be used, which allows new up to date games to be bought and played in all establishments.



Consoles are available to buy from GEMA Records, at the price of £209.95 for 250GB Xbox or £189.95 for the 4GB version.

It may take a while to save with some offenders only receiving a couple of pounds per week!

Amongst the games available are FIFA 14 from £30.95, Call of Duty: Ghosts for £29.95 and The Great Escape for £29.50.

The new PS4 and Xbox one are still prohibited but this is a huge step forward from the old style consoles and repetitive games previously allowed.

### **Oscar Pistorius found NOT GUILTY of murder**

On the 11 September 2014 Oscar Pistorius sat in court as Judge Thokozile Masipa's gave her verdict following the long and intense murder trial.

Everyone waited with baited breath to hear the fate of Pistorius following the killing of model Reeva Steenkamp.

He was found not guilty of murder but guilty of cupable homicide which is the equivalent to manslaughter.

Judge Masipa said "The state has not proved beyond reasonable doubt that the accused is guilty of premeditated murder," "There are just not enough facts to support such a finding."

She noted that to be acquitted, a defendant only had to give a version of events which could reasonably, possibly be true and she found that he consistently said he had fired in the belief that there was an intruder in the house, and she had no reason what soever to dishelieve him.

She said: "He acted promptly in seeking help soon after the incident. He shouted for help, he called a friend, he called 911, he called security, although he could not speak as he was crying. He was seen trying to resuscitate the deceased... from the above it cannot be said that the accused did not entertain a genuine belief it was not an intruder."

However, if he had unlawfully intended to kill in the heat of the moment but without "malice aforethought", he could also have been found guilty of a lesser charge of murder.

Either shooting at the door intending to kill, or knowing someone might be have been killed and still intentionally firing the qun.

The lesser charge of murder would have applied if it was proven that he had intended to kill an intruder but had instead killed his girlfriend.

However Judge Masipa dismissed this, and said: "The accused had the intention to shoot at the person behind the door, not to kill" she also stated that "the evidence failed to prove the accused had intention, and had not proven that he accepted the possibility of killing someone" when the gun was fired through the toilet door, four times.



Pistorius cries as verdict read out

### What is culpable Homicide (manslaughter)

Culpable Homicide means that there was no intention to kill but the actions were negligent and not those of a reasonable person.

Judge Masipa said: "The accused had reasonable time to reflect, to think and conduct himself reasonably," she said.

"The accused knew that there was a person behind the door, he chose to use a firearm which was a lethal weapon, was competent in the use of firearms as he had received training."

The defence team tried to argue that Pistorius is more likely to confront danger because he is a double amputee but the Judge rejected his defence and stated: "Vulnerability is not unique - There are many people in this country without any form of security at all".

She said, taking everything into account "The accused acted too hastily and used excessive force" and "It is clear that his conduct was negligent."

The maximum sentence applicable for culpable homicide is a maximum prison sentence of 15 years. However, the view of legal experts is that he is likely to receive a prison sentence between seven to ten years.

Pistorius was also convicted of illegally discharging a firearm in a restaurant, however he was acquitted of illegally firing a gun through a car sunroof, after the judge said the witnesses were unreliable and also acquitted of illegal possession of ammunition.

He now awaits sentence which will take place on 13 October.

### WHO AND WHERE?!

The Parole Board for England and Wales have recently announced their decision to relocate.

They are expected to move offices on 6 October 2014.

Following which, the new postal address will be:

The Parole Board for England and Wales Petty France London SW1H 9AJ

# Psychology and the Law: By Dr Ruth Tully and David Parker



Welcome to the first 'Psychology and the Law' column written exclusively in Jail Mail.

Our experienced professionals will give monthly insight into research, legal and practical developments, whilst also being very happy to answer any related questions.

You can contact our experts through Jail Mail by emailing or writing to us at the following address:

askanexpert@jailmail.co.uk

Ask an Expert Jail Mail PO Box 10419 Nottingham NG2 9QF

#### Our Experts:



<u>Dr Ruth Tully</u> is a Consultant Registered Forensic Psychologist and will each month provide a Psychologist's view on developing areas of forensic psychology.

From next month she will answer some of your questions, give information and provide clarity on issues that give rise to commonly misunderstood topics such as psychopathy.



<u>David Parker</u> is an experienced Solicitor and regular advocate before the Parole Board. He will answer any legal queries and explain in context what practical steps may be taken to protect your

interest and advance your case.

This month, in the first edition of Jail Mail, Ruth and David focus on describing what forensic psychology is, and the regulation of the profession.

Registered Forensic Psychologists apply psychology in the area of crime and the law. In a prison setting they apply research and theory to their own assessment experience and are often tasked with giving an opinion on a prisoner's continuing risk.

That opinion can be critical to the ongoing management and supervision of a prisoner. It can in some circumstances determine whether a prisoner is released or detained for a longer period. As a prisoner it is most likely that if you have come across a Forensic Psychologist, it will have been one who works in a prison, but Forensic Psychologists also work in other areas like NHS hospitals, private healthcare and community settings. Some of these settings and what Forensic Psychologists do in these settings will be discussed in another edition, but first the regulation of Forensic Psychologists will be explained.

Regulation: Forensic Psychologists must be 'Registered' with the Health and Care Professions Council (HCPC) and should describe themselves in this way when they complete any work as a Forensic Psychologist. People can only become Registered if they have a certain level of qualification.

The HCPC regulates Registered Psychologists, which can ultimately include investigation when a complaint about a Registered Psychologist is made.

Before the HCPC became legally responsible for the registration of Psychologists, the British Psychological Society (BPS) governed. 'Chartership' used to be required to legally practice as a Forensic Psychologist in the UK. This is no longer the case, because the BPS no longer governs, and more recently the BPS provides training and helps to develop, promote and apply psychology for public good. Trainee forensic psychologists in prisons may therefore be working towards 'Chartership' through the BPS Diploma, or a Doctorate, or other post-graduate qualification, but now it is Registration that is required and not Chartership. This is often an area of misunderstanding because for instance most Registered Psychologists are also Chartered Psychologists, but not all Chartered Psychologists can become Registered Psychologists. Confused? There will be more about this next month, as it is important to understand who is assessing you and their level of qualification.

**Did you know the law?** The Health Professions Order 2001 provides that is a criminal offence for someone to claim to be registered with the HCPC when they are not, or to use the protected title of 'Forensic Psychologist' if they are not registered with the HCPC. This means that anyone who says that they are a Forensic Psychologist should be

registered with the HCPC, or they are liable to be prosecuted.

If they are not registered, then the HCPC cannot regulate or investigate complaints about them. Using a title like *Trainee Forensic Psychologist* or *Forensic Psychologist in Training* is generally acceptable since this is not considered to be misleading to the public. Trainees are not able to register with the HCPC, but their supervisor must. Words linked to a job title like 'Senior', 'Associate' or 'Consultant' indicates the role or seniority that a Psychologist might have in their job. You can check whether a professional is registered with the HCPC on the HCPC website: www.hcpc-uk.org. uk/check/

Acceptance of an individual's opinion: Professionals, no matter how experienced, or whatever background can disagree. Their assessments can be formulated from differing research, upon their own perception of presentation style and upon a wide range of risk or other assessments, both static and dynamic. Solicitors are often able to take an opinion of an independent Expert; independent meaning that they are not employed by the system that is assessing you e.g. HM Prison Service.

**Next edition**: Your questions answered. What level of qualification do Forensic Psychologists have to

Dr Ruth Tully is a Consultant Forensic Psychologist. She is Director of **Tully Forensic Psychology Ltd**, which is a private practice that provides independent psychological assessments nationwide. Ruth and her team of Associate Forensic and Clinical Psychologists assess prisoners across the UK, specialising in parole reports. Most independent reports can be funded through Legal Aid and we work with various Solicitors across the UK. Independent psychology services must be instructed by your Solicitor; you can ask your solicitor to contact us.

David Parker is a Solicitor, Partner and Head of the Prison Law department at **Carringtons Solicitors**, the largest volume provider of Prison Law advice in England and Wales. David has held seat on the Executive Committee of the Association of Prison Lawyer's on two occasions. His practice provides a nationwide service, specialising in work with indeterminate sentence prisoners, those recalled to prison and adjudications.

Ruth and David's views are their own and do not represent any organisation.

To have your questions answered by one of our experts, please email us at: <a href="mailto:askanexpert@jailmail.co.uk">askanexpert@jailmail.co.uk</a>

Alternatively, write with your name, prison number and location to:

Ask an Expert, Jail Mail, PO Box 10419, Nottingham, NG2 9QF



# Judge Morgan blasts Solicitor for "Harry Potter" appearance



Alan Becker, Solicitor Advocate appeared before Judge David Wynn Morgan in Cardiff Crown Court wearing St John Ambulance medals and ribbons on his robes.

After his client had been sentenced, Judge Morgan laid into the defence lawyer and demanded to know why Dr Blacker had thought it appropriate to wear such badges in court.

He proceeded to ask the prosecution "Have you ever seen a barrister or solicitor appear before these courts with badges on his gown?" to which the Prosecution replied that he had not.

Judge Morgan then referred to a Barrister from South Wales who had later become a Judge, who during the battle of Normandy was awared the highest honour, the Victoria Cross.

"Did you ever see him wearing that medal? No. He would have considered it the height of vulgarity".

He added "If you ever appear before this court dressed as you are at the moment, I shall exercise my right to decline to hear you".

"If you ever appear looking like something out of Harry Potter, you can forget coming before this court again".

# LEGAL HIGHS GETTING OUT OF CONTROL

Fears grow as legal highs dominate prison wings.

The prison association has warned that some substances as additctive and powerful as cocaine are flooding the system and some 30% - 40% of all substances seized are the "many new varieties of legal highs".

Concerns grow that it is only a matter of time until an inmate or officer is seriously injured or killed as a consequence.

Highs such as synthetic cannabis (Spice) and BOM, which cause hallucinations are thrown over the wall in organised "drops".

Recent searches at HMP Wayland and HMP Wealstun have uncovered spice, drug paraphernalia and improvised weapons, which has led to a huge increase in Governor and Independent adjudications resulting in additional days for offenders in possession.

An officer commented that spice can be thrown over the prison walls in sweet wrappers and Kinder egg containers.

Whilst it is only valued at a few pounds in the community, there is no doubt that it is a highly valued commodity in the prison system.

Some prisoners who have taken the drug have been immediately taken to hospital by ambulance with serious heart palpitations.

It is a growing problem but now testing facilities are being introduced to test for such substances to irradicate and deter future use.

### "Twitter Troll" Peter Nunn, 33, found guilty of sending Rape messages to Labour MP



Bristol father/"Twitter troll" has been found guilty after he bombarded Labour MP Stella Creasy with inappropriate and abusive messages.

The Labour MP had supported a successful campagin to have Jane Austin placed on the £10 note.

Nunn, posted and retweeted threatening messages to rape Stella Creasy and referred to her as an "Evil witch".

He launched what has been described as a campaign of hatred after the MP backed Feminist Caroline Criado-Perez's high profile bid to keep a woman on the british note. He admitted to sending the messages which he said should be taken as a "compliament", a mere "joke "and "farcical". He denies that the messages were grossly offensive, indecent or obscene.

When asked why he sent the messages, he replied "It is just a joke. It came into my mind at a time and I thought it was really, really funny".

"The whole witch thing is obviously satirical, it is not cynical like the CPS are claiming".

He accused those Twitter uses who spoke out against him as being radical feminists who "hate people".

He was found guilty on 3 September at the City of London Magistrtaes Court, the Judge said "I'm in absolutely no doubt that those tweets, on an objective basis, are menacing".

"This is not a casual throw-away comment

within the restriction of one or two people. It is a casual conversation, but with a much wider audience."

Nunn, who wore a grey suit, white shirt and grey patterned tie in court, starred straight ahead as the verdict was announced.

Outside of court he said "I never had any hate towards either Stella or Caroline Criado - Perez. I will be appealing".

"It is a sad day for free speech. I think my tweets have been misinterpreted".

Prosecutors are expected to apply for a restraining order preventing him from contacting the MP.

Nunn is due to be sentenced on 29 Setember and has been warned that "prison is extremely likely".



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## **Dovegate fights back against Sky Television claims**

Earlier this month Burton Magistrates court heard how Leon Walker, 39, taunted police in his home town by asking to be arrested, telling them that prison would be easy as he would be able to watch Sky television, giving the impression that his time in prison would be a walk in the park.

Officials at HMP Dovegate have spoken out and dismissed claims that inmates watch Sky TV and can walk out having earned thousands of pounds.

Former Dovegate inmate Raphael Bloor also bragged about having access to the digital channels and potentially earning more whilst being in custody than he could working in the community.

Serco bosses, have defended claims made by Mr Bloor that he could have earned in excess of £3,000 while working inside the prison, a spokesperson commented that a prisoner at HMP Dovegate was more than likely to leave, having earned

less than a hundred pounds.

He said: "They get paid for each session that they complete. For each of those they can earn between £1 and £4. They will never earn any more than that for each session."

"If they haven't got anywhere to go when they leave the prison, then £50 will be paid for accommodation for that first night, but that will be for a hostel, not a hotel. The money will not be handed to the prisoner directly, so that cannot be counted as part of their earnings."

"They're then allowed to spend that on sweets, tobacco or toiletries. Usually they will leave with around £76 in their pocket. It is most certainly a figure of less than £100."

Offenders could, if they so wish also use the money to pay for the rental of a television set for their cell, but they would only have access to 9 digital channels and not the full range described

by previous inmate Bloor

He said: "Each television only receives your basic channels, which are BBC One to Channel 5. On top of that there are four additional Freeview channels which have been carefully selected by ourselves.

"That's it. I'm not sure why they have claimed that we allow them to watch Sky television channels. It simply isn't the case."

# CEE LO GREEN SENTENCED



Musician Cee Lo Green escapes prison sentence and receives 3 years probation and 260 hours of community service after pleading no -

contest to drug charges in a Los Angeles court on 29 August.

The singer was accused of spiking his date with ecstasy in a sushi restaurant in July 2012. He had originally pleaded not guilty to the charge but promptly changed his plea before a preliminary hearing, which would have presented evidence against him had he maintained his original plea.

Rape charges were also dropped after his lawyer argued that sexual intercourse between the two was consensual.

The singer will spend his community service helping other musicians at a recording academy. He will also be required to attend 52 substance misuse therapy sessions before returning to court on March 2015 to provide an update on his progress so far.

# WORK STARTS ON £250 MILLION "SUPER PRISON"



The new £212 Million "super prison" due to be built in Wrexham is causing up roar with nearby home owners who are now fleeing from the site.

The plans indicate that the prison will hold up to 2,100 prisoners, possibly made up of a mixture of Category B and C offenders.

Houses in the local area are now going up for sale after residents received a letter from contractors confirming that work was due to begin shortly. It is hoped that the prison will be built and up and running in 3 years time by September 2017.

Full planning permission is yet to be granted and there are still ongoing discussions of whether the establishment will be run by the state or owned privately, such as prisons like HMP Oakwood and HMP Rye Hill who are currently run by G4S.

Planning Committee chair Mike Morris said " the council has never had an application of such magnitude".

The prison is estimated to create approximately 1000 additional jobs and boost the local economy by bringing in a futher 23 million per annum.

### Grayling announces new plans for mental health centres in prisons

health centres in prisons through out England and Wales



During a speech given at the Centre for Crime and Social Justice in London on Monday 15 September, The Justice Secretary said that he wants to "really get to grips with the challenge of mental health in prisons", "I want every prisoner who needs it to have access to the best possible treatment. I want mental health to be the priority for our system,".

It is believed that nearly two-thirds of prisoners suffer from some form of personality disorder, and recent figures announced by The Prison Reform Trust show that 15% of men and 25% of women in prison report symptoms indicative of psychosis, compared with just 4% of the general public.

Grayling acknowledged, that whilst there was already excellent work being done by the NHS for those suffering from personality disorders, he said, "I think it is time to provide a more specialist focus in dealing with mental health problems in our prison estate. So I have asked my officials to begin work on options to have specialist

mental health centres within the prison

"Within most prisons you will find people suffering from acute mental health problems, often in isolation units, often needing round the clock supervision."

However, despite plans being put into place to support those with mental health problems in the prison system, the proposed reforms will only be successful if offenders, once released can access continued support and suitable accommodation, whilst working with probation and specialists in the community.

However with recent probation changes, privatisation and cut backs, will those in charge of mentoring and supervising offenders in the community be able to provide the continued support and carry on where the prison mental health team left off.

It will be those who are released at sentence expiry with no means of support who will appear to be left in limbo, unless the new announced plans will provide additional funding and services to meet their specific needs.

Chris Grayling has ordered Justice ministry officials to start developing a network of specialist mental

Chief Inspector of Prisons, Nick Hardwick, has assured that the government's reforms, would lead to "through the gate" resettlement of prisoners being carried out by community rehabilitation companies.

Only time will tell if the new reforms will be a success, there are many prisoners who suffer from severe personality disorders who are transferred to secure hosipital for further treatment, which has seemed to date, to be an appropriate way of dealing with severe mental health

Offenders can be released from such secure units at the end of their sentence and indeterminte sentence prisoners have an option of having a Parole Board oral hearing if a Mental Health Tribunal recommends discharge.

If the board are of the view that risk remains too high, it is usual practise for the Parole Board to recommend to the Secretary of State that the offender/detainee is returned to the prison system.

However, it is possible that those treated in such units can make excellent progress, reduce their risk sufficiently and be tested by taking numerous town visits and receive a direction for release without the need to return to their previous sending establishment.

This is a route chosen by many, and after the plans announced, it is unknown how this will fit into the normal prison regime and whether the prison will now have the facilities and specialists to deal with severe mental health in the prison system without the need to transfer those suffering to an appropriate secure unit for further specialist treatment.

Have you had any experiences first hand with the prison mental health team and if so, is this a welcomed change? Please send us you experiences and views of the announcement.



### FROM PRISON TO EMPLOYMENT A 3-STEP PATHWAY

Clean Sheet is a Christian charity – empowering local churches and employers to support prisoners and ex-offenders into the world of work by offering a unique 3 Step Pathway from prison to employment

#### Have you heard of Clean Sheet?

If you want to work when you come out of prison, then it is something you should know about.

You see, we believe that everyone who has been in prison deserves the chance to start again with a Clean Sheet, and this belief underpins everything we do.

If you get a job, it's a lot less likely that you'll be sitting in your cell, reading a newspaper like this again; as you'll be occupied, bringing home a wage and most importantly, becoming part of your family again, living in the local community and being free to make plans for your future. A future without walls, wire and bang-up.

Below we explain how and where you can get the support needed to help build your future.

Three Step Pathway - from Prison to Employment.

#### Step One - Ways to Work

Clean Sheet starts by helping you feel more ready and confident about work.

Being in prison can make you feel like a failure - whether or not it's your first time inside.

But life is like Snakes and Ladders. We all fall down snakes from time to time - whether or not we wind up in prison - and one thing we all need is someone to help you find the next ladder.

You've achieved something in your life, no matter how it may feel like at the moment - and we are here to help you recognise the great qualities you have and to hope for a new beginning.

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When you leave prison, we'll be here to help and support you find a suitable Job Club.

This is just a group of people who get together - usually weekly - to help each other through the experience of finding work.

We'll even take you along for the first couple of meetings until you feel comfortable going on your own.

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This will include guidance on applications, how to prepare yourself, what to wear and how to answer questions. and finally...

### Step Three - the Employers Directory

Complete our online module at Job Club and you become a Clean Sheet member.

This gives you exclusive access to our Employer Directory.



A list of Organisations who will actively consider Clean Sheet members for vacancies.

So you can be completely honest about who you are and include any education or experience you've had while inside, without it affecting your application.

There are no guarantees; but if your skills match the job spec, then you have an equal chance of getting selected for the next stage; and with everything you'll have learnt at Job Club you should be feeling confident and looking forward to the interview!

If your prison doesn't run Clean Sheet, feel free to speak to your resettlement team about contacting us, so that we can put plans into place to get you involved with Clean Sheet once you are released.

#### What they say about us:

"Clean Sheet was a turning point in my life. It showed me that obstacles can be stepping stones to the next open door. Since leaving prison I have grasped every opportunity"

"Clean Sheet showed me that there was hope, despite my criminal record, there were people who could and would help me."

So, you know about Clean Sheet now.

So, when you get out and find your job, it will be YOUR article in Jail Mail, telling YOUR story and encouraging other prisoners to join Clean Sheet and start out on the road to a better future.

### Contact us:

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# Bronson gets 2 years for assault on governor



Notorious Charles Bronson, now known as Charles Salvador was sentenced to an extra 2 years in prison after reluctantly pleading guilty on 1 September in Amersham Crown Court.

Bronson pleaded to assaulting a Governor at HMP Woodhill in February 2014 after grabbing him around the neck so tight that he couldn't breathe.

Bronson was eventually restrained after a number of officers came to the Governor's defence.

When asked for his plea he said "guilty, but I dont want to".

As well as receiving an extra 2 year sentence, he was also ordered to pay a £100 victim surcharge fee by the court.

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#### **Her Majestys Bed and Breakfast**

HMP Drake Hall, has recently submitted building plans which have been approved to refurbish an old disused building to make way for an additional 315 closed prison spaces and 25 open spaces.

A design statement submitted to Stafford Borough Council said: "The refurbishment will provide additional capacity for 25 women in an Open Prison format, meaning that these inmates are free to leave site for work during the day.

"Over two thirds of the building have been unoccupied for at least 10 years and are in need of refurbishment. The building stands outside the secure line, in the south west corner of the prison site."

"The unit will include two visitors' suites for overnight family visits and will maintain the current visitor centre facility serving the main prison.

Eccleshall Parish Council chairman Gordon Dale has subsequently visited the prison to view the facilities and meet with the acting deputy governor.



### Free after 30 years on Death Row

Death Row inmates Leon Brown (right) and half brother Henry McCollum (below) were aquitted of murder on 2 September 2014 thanks to new DNA evidence of Roscoe Artis found on a cigarette near the victims body.

Artis is already serving a sentence for a previous rape and murder of an 18 year old woman which happened less than a month after Sabrina Blue's murder.

Henry McCollum was 19 at the time and his brother Leon was 15 when both were convicted and sentenced in September 1983.

In a second trial in the 1990's

McCollum was sent to death row and brown was convicted of rape and sentenced to

In court Superior Judge Douglas Sasser ruled that the new evidence had created significant doubt in both



convictions and had contradicted evidence produced at the time of the trial.

The low IQ pair were coerced into making confessions after hours of interrogation.

McCollum said "I just made up a story and gave it to them. My mind was focused on getting out of the police station".

There were gasps in court as the Judge announced that he was "quashing their guilty verdict".

Relieved McCollum, wiped a tear when the Judge quashed the conviction.



McCollum said "I knew one day I was going to be blessed to get out of prison, I just didn't know when that time was going to be,"

"I just thank God that I am out of this place. There's no anger in my heart. I forgive those people and stuff"

Half brother Brown declined to give an interview as he was too overwhelmed but muttered "God is good" and asked to go for a long awaited milkshake and burger.

Upon release McCollum expressed his belief that there are still innocent men inside.

He watched 42 men who he described as "brothers" make the long last walk to the nearby death chamber.

He is at least the 7th death row inmate to be freed in North Carolina since 1976, when the death penalty was reinstated by the U.S supreme

### Private prisons to the rescue

Due to the continued overcrowding, additional prison places have been purchased by the Ministry of Justice. These measures have been taken to safely deal with the increasing prison population.

Below is a list of the number of places purchased and the cost of doing so:

Prison	February 2014	March 2014	April 2014	May 2014	June 2014	Total Estimated cost (£)
Altcourse	100	100	100	100	100	610,000
Dovegate	73	73	73	73	73	207,869
Forest Bank	96	96	96	96	96	628,058
Lowdham Grange	0	32	32	32	32	134,914
Peterborough (male)	48	48	48	48	48	230,000
Parc	0	43	63	63	63	336,000

**Total Estimated Costs** £2,146,841

Each place is estimated to cost approximately £13,000 per year, compared to the average direct cost in 2012-2013 which was estimated at £28,000 per place.

### Prisoners behind letter bomb plot are sentenced

Bret Atkins, 24 and Jamie Snow, 27 serving prisoners from HMP Full Sutton at York sent explosive devices to legal firms in Halifax and Nottingham, made in the segregation unit, using match heads as part of a race hate campaign.

Snow and Atkins who appeared by video link, smerked and laughed

as the Judge at Leeds Crown Court heard of their hate campaign.

Atkins had been jailed in 2009 and was serving an indeterminate sentence for murder.

Snow was already serving a determinate sentence of 11 years for a series of violent robberies

additional 7 years on 4 September after he was found guilty by jury in July of conspiracy to send an explosive substance with intent.

The sentence imposed will start 18 months before his tariff expiry.

Snow was given an additional 6 year

Judge Rodney sentenced Atkins to an 3 month extended sentence after pleading guilty to sending an explosive substance with intent and two offences of threats to kill.

> Det Chief Supt Ian Wilson, Head of the North East Counter Terrorism Unit, said:

"Snow and Atkins took their hatred

beyond threats to kill and even tried to post explosive materials in an attempt to cause harm or

"Thankfully this mail was intercepted by vigilant officers within the Prison Service and was never able to enter the postal system."

### A - Z Governor Adjudications

What you need to know

By Emma Rodgers - Solicitor - Prison Law Consultants

#### 1. Introduction

- 1.1 This guide is aimed to assist prisoners who find themselves placed on report ("knicked") and who face adjudications before the Governor or Director of the prison in which they are detained.
- 1.2 The purpose of this guide is to explain the adjudication process and the rules/regulations that the prison must comply with.

#### 2. Disciplinary offences

2.1 Each prisoner is governed by the rules imposed by PSI 47/2011 ("the adjudications manual"). These rules form part of the Prison Rules 1999 and specifically rule 51 ("r.51"). Each offence can be found in the adjudications manual which is available for prisoner's to look at. There are also details as to what each offence requires in order for a finding of guilt to be made.

#### 3. Laying the charge

3.1 If an alleged offence is discovered the relevant member of staff who discovers the offence ("reporting officer or RO) must complete a DIS1 form ("a knicking sheet"). The adjudications manual makes it clear that the knicking sheet must give details of the accused prisoner including their prison number, the charge and relevant section of the PSI which it contravenes for example:

Commits any assault – Prison Discipline Rule 51 paragraph 1.

- 3.2 Save in exceptional circumstances the knicking sheet must be issued to the prisoner within 48 hours of the discovery of the alleged offence, and a copy retained in the prisoner's personal records. The time and date of the issue must be recorded.
- 3.3 The knicking sheet must describe the incident which led to the charge in enough detail to enable the accused prisoner to understand what is alleged. The prison should also provide a written notice explaining the adjudications process within at least 2 hours before the hearing in order to prepare their defence. A prisoner should also be given access to a copy of the adjudications manual and other documents and reference books available in the prison library.

#### 4. The hearing

- 4.1 The adjudication hearing must be opened on the following day after the knicking sheet was issued. This does not mean within 24 hours but means that it must take place before the end of the day (or next working day) after the charge is laid.
- 4.2 If the member of staff conducting the adjudication cannot do so without bias (i.e. they were involved in the alleged offence or are some way connected to the prisoner or witnesses) the hearing must be adjourned and arrangements made for a different adjudicator to continue it.
- 4.3 If during the hearing you request an opportunity to seek legal advice, the adjudicator must adjourn the hearing for sufficient time to allow you to consult a legal advisor. Young or vulnerable prisoners, who may lack experience of adjudications, should be encouraged to request help from an advocate.
- 4.4 If, when the hearing is resumed you seek a further adjournment, the adjudicator should consider whether this is justified, and may either grant an adjournment or refuse it. If a further adjournment is refused the reasons



must be recorded in the adjudication paperwork.

#### 5. Tarrant Criteria

- 5.1 An adjudication hearing is not a court for the purposes of your right to a fair hearing under the European Convention on Human Rights, Article 6. Therefore, you are not entitled as a right to a legal representative to be present at the hearing before the Governor or Director.
- 5.2 However, the case of *Tarrant* made clear that the decision not to allow a legal representative is not definite. The adjudicator must apply criteria when determining whether a request for representation should be granted. If you wish to make an application for a legal representative to be present at the hearing you must be able to show the following criteria are met:

### The Seriousness of the charge and the potential penalty

How serious is the charge? What punishments are available? Are you close to release?

### Whether any points of law are likely to arise

Do you have a defence to the charge? Self defence? Possession of unauthorised article(s)?

### The capacity of the prisoner to present their own case

Are you suffering from mental health problems? First adjudication? Complicated allegations?

#### **Procedural difficulties**

Will you have to question witnesses or cross examine members of staff? Where questioning of witnesses is at issue, a qualified legal representative is preferable to a McKenzie Friend?

### The need for reasonable speed

Adjudications should be conducted within a reasonable period of time.

#### The need for fairness

Adjudication hearing should be conducted fairly.

#### 6. Referral to the police

6.1 The most serious offences will be referred to the police. All serious assaults on members of staff or prisoners must be referred to the police. If the matter is referred to the police the hearing must be adjourned until the outcome of the police investigation is known. If you are charged or prosecuted for an alleged offence the adjudication will not proceed because this would be double jeopardy.

6.2 If you are not prosecuted or charged the adjudication may then resume, provided the delay in reaching a decision on prosecution has not made it unfair to proceed, or the adjudication would rely on the same evidence that was known to the CPS, which they had decided would not support a prosecution.

### 7. Referral to the Independent Adjudicator

7.1 If the case is serious and not referred to the police or prosecuted, the adjudicator should consider whether to refer the case to an independent Adjudicator. If the offence is serious enough and the prisoner qualifies for additional days the case should be referred to the Independent Adjudicator. If the prisoner is not eligible for additional days the case should not normally be referred as the Governor or Director will have the same powers as the Independent Adjudicator would.

7.2 An Independent Adjudicator will be a sitting District Judge. The case should be heard within 28 days of referral to the Independent Adjudicator.

#### 8. Punishments

- 8.1 The charge against you must be proved beyond reasonable doubt. This means that the Governor or Director should be sure that you are guilty.
- 8.2 The adjudicator will consider the appropriate punishment(s) and taking into account, amongst other things:
- a. The circumstances and seriousness of the offence, and its effect on the victim (if any)
- b. The likely impact on the prisoner, the prisoner's age, behaviour in custody, time until release,
- c. The type of establishment and the effect of the offence on discipline and good order,
- d. Any guilty plea or other mitigating circumstances

#### 9. Appeals

- 9.1 If you wish to appeal the finding of guilt made by the adjudicator you should complete and submit the DIS8 form within 6 weeks of the finding being made. You should set out your grounds of appeal and return this to the adjudications clerk at the prison. This will be forwarded to the Prisoner Casework Unit at the Ministry of Justice who will consider whether the adjudication was conducted properly in accordance with the rules.
- 9.2 If you are not satisfied with the decision of the Ministry of Justice you then have 3 months to appeal to the Prison and Probation Ombudsman.
- 9.3 You should note that the appeals process is not to re-hear the case, but to determine whether the hearing was conducted fairly and in accordance with the adjudications manual.

### Shawshank prison to open as a tourist attraction



The Ohio State Reformatory made famous by the well known film "The Shawshank Redemption", ranked number 1 in the IMDB's Top 250 movies list is due to be restored as a tourist attraction following is 20th year anniversary.

A forties-themed cocktail party was thrown this month in the Reformatory's renovated guard room to mark 20 years since The Shawshank Redemption, starring Tim Robbins and Morgan Freeman, was released.

The prison closed in 1990 due to over-crowding, but brought in more than \$10 million from around 80,000 tourists last year for "extreme" ghost hunts, murder mystery dinners and a Halloween festival.

The Mansfield Reformatory Preservation Society has now revealed plans to completely renovate the establishment with plans to clean, decorate, replace the huge cathedral windows and supply heating to the former prison so that it will be weatherproof for tourists within approximately six months time.

Current "unofficial visitors" are taken on self-guided 13-stop bus tour to landmark sites from the 1994 film, such as the 'haunt-ed' Bissman building downtown (exterior of the halfway house where Brooks and Red lived upon release), the bench where Brooks fed the birds, nearby Malabar Farm State Park (Pugh cabin, where Andy followed his wife and her lover) and across from the park, the oak tree near the old stone wall."

There are also occasional re-creations and appearances from some of the former cast members and crew who starred in the hit movie.



Red (Morgan Freeman) and Andy (Tim Robbins)

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### New research suggests that thousands may be subject to sexual abuse in prison

The Howard League for Penal Reform has urged the government to take action after a recent commission estimated that every year 1-5% of inmates, as many as 4,000, could be sexually abused in prison.

Ministers have assured that a review into sexual abuse is underway as part of a wider study into increased violence

Ministry of Justice figures suggest that there were 170 sexual assaults in prison last year, however the commission's paper describes sexual abuse in prisons as a hidden problem that largely goes unreported.

Many are too scared to come forward

and seek help, which can have serious consequences for those labelled a "grass". This label can follow victims to different establishments, which makes them a target for future violence.

The commission's own research is based upon briefings from experts, data from Her Majesty's Inspectorate of Prisons, and interviews with former prisoners.

Research showed that some prisoners were coerced into sex to settle debts, while others used it as a way of paying for drugs and other unauthorised items.

Chief Executive of the Howard

League for Penal Reform, Frances Crook, commented "Prisons are meant to be safe places where the law is enforced, not places where people are under threat of sexual violence and rape."

Commission chairman Chris Sheffield, said: "There is an urgent need to determine the nature and scale of sexual abuse in prisons in England and Wales.

Prisons minister Andrew Selous has spoken out and said: "We continue to work hard to understand the reasons for the increase in assaults, including sexual assaults, and we are comprehensively reviewing how we manage violence, including sexual violence, in prisons and working with the police and CPS to introduce a new approach to the investigation of crime."

A survey of prisoners is conducted by the Inspectorate of Prisons as part of the inspection process, at which time inmates are asked if they have been abused by fellow prisoners or staff.

The surveys conducted found approximately one per cent of prisoners have been subject to abuse. However, it is expected that this is below the real number as many inmates will resist talking about their experience.

A new report will be disclosed next year following the commission's own direct research with prisoners.

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Our specialist team has years of experience in helping people claim compensation and obtain justice after suffering child abuse. We will work closely with you in total confidence and with sensitivity and respect at all times. In many cases the survivor of the abuse was in the care of Social Services or known to the authorities at the time the abuse occurred.

In these circumstances there may be grounds to pursue compensation from the authorities as a direct result of their failure to prevent the abuse from occurring.

We can offer you a free consultation and help you to decide whether you have a realistic chance of success. We can also help you identify the individuals or organisations which might be legally responsible for what you went through. Even if the abuse happened many years ago, you should contact us to discuss how we can help you.

We have successfully helped people to claim even when the abuse took place decades ago. We understand that the unique nature of claims for child abuse needs specialist knowledge and experience. That is why we have a specialist team of lawyers working on these claims. Over the years we have helped many people claim compensation for sexual, physical and psychological abuse.

Bhatia Best Ltd, 12 Carrington Street, Nottingham NG1 7FF

Tel: 0115 9503231 or;

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The Public Law Team is regionally based but nationally renowned for holding public bodies to account for their decision making.

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which runs the Legal Aid scheme in England and Wales and is available to challenge decisions by Judicial Review and in abuse claims against Social Services, the Police, Probation and other Authorities.

Contact the Team for free advice & assistance



#### 1 October 1975

### The Thrilla in Manilla Muhammed Ali beats Joe Fraser.



US boxer Muhammad Ali retained the world heavyweight boxing championship after defeating arch-rival, Joe Frazier,

The "Thrilla in Manilla" lasted a total of 14 rounds before Frazier's trainer, reluctantly persuaded him to call it a day.

Ali said the fight was "the closest thing to dying".

From the very beginning the action was fast paced and furious. Ringside experts classed it amongst the finest heavyweight title bouts - if not the finest of them all.

#### 10 October 1968

### Apollo 7 is launched from Cape Canaveral

Apollo 7 was the first manned mission from the Apollo program.

It was an eleven-day Earth-orbital mission, the first launch of the Saturn IB launch vehicle, and the first three-person American space mission. The crew consisted of Mission Commander Walter M. Schirra, Command Module Pilot Donn F. Eisele, and Lunar Module Pilot R. Walter Cunningham.

The point of the mission was to test the newly redesigned module.

It flew low around the Earth so its crew could track life-support systems, the propulsion systems and the control systems.

Despite fears and emotional tension amongst the crew the mission was a complete success, which led to the launch of Apollo 8 just two months later.

#### 14 October 1947

### The first person to fly faster that the speed of sound.

Capt. Charles E. "Chuck" Yeager piloted the rocket-powered Bell X-1 to a speed of Mach 1.07, becoming the first person to fly faster than the speed of sound.

In breaking the sound barrier, Yeager became the fastest man alive.

The X-1 was carried like a bomb in the belly of a B-29, Yeager was handed a short, sawed-off section of a broomstick which he used to close the canopy of the X-1, because his broken ribs prevented him from closing the latch normally.

The X-1 was dropped, and the first two chambers of the rocket were ignited which carried the plane to 40,000 feet. Whilst still climbing, Yeager ignited the last two chambers, and as the speed passed Mach 0.96, he said that the ride started to smooth out.

The needle on the Machmeter started to fluctuate a bit and suddenly went off the end of the scale.

Everyone witnessing the flight on the ground heard what sounded like distant thunder. It was the first sonic boom ever created.



### 23 October 1963

### **Doctor Who appears on British TV**

Doctor Who was first televised and featured William Hartnell as "The Doctor".

The British science fiction programme featured "the Doctor" who was an alien time traveller that could travel through time and space in his

"Tardis" famously in the form of a blue police box.

The Daleks who had the popular phrase "EX-TER-MI-NATE!", "EX-TER-MI-NATE!", did not appear in the programme until later, in December 1963.

#### 27 October 1904

### New York Subway opens to all

At 7 pm on 27 October, the NYC subway opened to the general public and more than 100,000 people bought a ticket to take their first ride under Manhattan for a nickel each. The service later expanded to the Bronx in 1905, to Brooklyn in 1908 and then to Queens in 1915.

The underground system now has 26 lines and 468 stations in operation. The 8th Avenue "A" Express train, stretches more than 32 miles, from the northern tip of Manhattan to the far southeast corner of Queens.

The system see's some 4.5 million passengers every day take the NY subway.

This is still the only rapid transit system in the world that runs 24 hours a day, seven days a week.

#### 31 October 1941

#### Mt. Rushmore sculpture is completed

The President's Mountain was formally dedicated on October 31, 1941, and draws as many as three million visitors annually.

It is located in the Black Hills of South Dakota and shows four presidents carved into the mountain, George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln.

The sculpture took 400 workers, 14 years to complete. The four presidents stand at 60 feet tall, the original plan was to carve the president's entire upper torsos into the mountain but a lack of funding caused the work to be halted with just the heads.

Sadly, scuptor Gutzon Borglum died in March of 1941, therefore the project was completed by Borglum's son, Lincoln.

#### 28 October 1919

### U.S Prohibition introduced on Alcohol

Prohibition began in the U.S. with the passage of the National Prohibition (Volstead) Act.

This meant that sales of drinks containing more than one half of one percent of alcohol became illegal.

Called a "noble experiment" by Herbert Hoover, prohibition last nearly 14 years and became highly profitable for organised crime bossess who manufactured and sold liquor in saloons called speakeasies.

### FREEDOM OF INFORMATION REQUEST EXPLAINS

### What is an accredited programme?

This is a phrase which is regulary used but not a lot of prisoners actually know what is meant by an "accredited" programme.

There has recently been a Freedom of Information request made to the Ministry of Justice to obtain clarification of the meaning of accredited programmes and here are the answers which you have been eagerly awaiting.

The Ministry of Justice were asked:

- 1. What is meant by accreditation?
- 2. Who is the accreditation body?
- 3. What independent peer reports/studies into the effectiveness of offender programmes are there?
- 4. A definitive list of accredited offender behaviour programmes.

#### 1. What is meant by accreditation?

The term accreditation in the criminal justice system describes the process of reviewing, validating and approving interventions which have been designed to reduce reoffending. It shares many characteristics with larger fields, such as education, professional training, social welfare, and health care.

Specialist sub-panels comprising three to five experts review each programme according to published evidence-based criteria. Programmes are accredited for five years, after which they are reviewed to ensure they continue to meet the accreditation criteria.

There are three possible outcomes from this review: full accreditation; accreditation maintained subject to addressing areas of concern; and accreditation lapsed.

The accreditation criteria are as follows:

- A clear model of change
- Selection of Offenders
- Targeting a range of dynamic risk factors
- Effective methods
- Skills orientated
- Sequencing, intensity and duration
- Engagement and motivation
- Continuity of Programmes and Services
- Process Evaluation and Maintaining Integrity
- Ongoing Evaluation.

### 2. Who is the accreditation body?

The Correctional Services Advice and Accreditation Panel (CSAAP) was originally established in 1999 as the General Accreditation Panel to accredit interventions delivered in prisons. The panel's remit has since extended and it now provides independent expert advice on effective interventions to both the Ministry of Justice and the National Offender Management Service (NOMS), and accredits programmes for delivery to prisoners, and offenders in the community.

With the exception of the chair, Gill Attrill, OBE, C. Psych, who is a senior NOMS official, panel members are independent experts recruited through open competition for a three-year term.

Recruitment criteria include specialist expertise on experience of offending behaviour programmes, the principles of effective practice and programme accreditation, and quality assurance.

### 3. What independent peer reports/studies into the effectiveness of offender programmes are there?

Requests to carry out independent research come from a range of sources through the National

Research Committee. They, in turn, ask independent experts to review the methodology for research proposals to ensure it is robust before approving or rejecting the study. The theory and background underpinning programmes is fully researched before a programme is developed to ensure there is sound evidence for the development and structure of the programmes, and this continues to be reviewed and updated once the programme has been accredited.

NOMS also carries out its own evidence-based research on programmes once they have been delivered. All NOMS' research is peer-reviewed internally and externally before publication, and all accredited programmes have an evaluation strategy which is reviewed and approved as part of the accreditation process.

In addition to the research work carried out by NOMS, the Ministry of Justice set up a new statistical service in April 2013, the Justice Data Lab. This service is free to access, and can be used by organisations who deliver services to offenders, with the aim of supporting those organisations to understand their effectiveness at reducing reoffending.

#### 4. A definitive list of accredited offender behaviour programmes.

CSAAP does not provide definitive lists of programmes, as accreditation is a rolling programme.

- However, NOMS-designed programmes with current accreditation include:
- ARV Alcohol-related Violence
- BSR Building Skills for Recovery
- FOR Focus on Resettlement
- CARE Choices, Actions, Relationships and Emotions
- Chromi
- Democratic Therapeutic Community Core Model
- Democratic Therapeutic Community for Offenders with Learning Disability
- LIAP Low Intensity Alcohol Programme
- Resolve
- SCP Self Change Programme.

I should also mention the Sex Offender Treatment Programme Suite – the suite of programmes available reflects the diverse needs of those convicted of sexual offending.

There are primary treatment programmes designed to provide the dose and type of treatment appropriate for the type and level of risk and need of different groups of sexual offenders, and programmes that are designed to meet the needs of sex offenders who have a mild intellectual disability:

- Core Programme primary programme for men convicted of sexual offences who are medium risk or above of sexual reoffending.
- Rolling Programme Primary programme for men convicted of sexual offences who are low risk
  of sexual reoffending.
- Better Lives Booster Programme secondary or tertiary maintenance programme for men convicted of sexual offending who are medium risk or above of sexual offending.
- Adapted Better Lives Booster Programme secondary or tertiary maintenance programme for men with a mild intellectual disability, who have been convicted of sexual offending.
- High Intensity Programme currently being piloted primary programme for men convicted of sexual offences who are medium risk or above of sexual reoffending.
- Healthy Sex Programme programme for men with offence-related sexual interests, available for both men with and without intellectual disability.
- Adapted programmes: Becoming New Me, New Me Coping and Living as New Me a suite
  of programmes for men with mild intellectual disabilities, who have been convicted of sexual
  offending, who, respectively, are medium risk or above of sexual offending, low-risk of sexual
  offending, and who require a maintenance programme.
- TSP Thinking Skils Programme.

### Prison Officer quit job for inmate lover who then stole £62k on release

The court heard how Patricia Bailey was besotted with convicted fraudster Michelle Whitham

Former prison officer Patricia Bailey faces losing her home after giving up her job for her lover Michelle Whitham, who behind Bailey's back, fraudulently built up a debt of £62,000.

Bailey fell head over heels in love with Fraudster Michelle Whitham a serving prisoner, who was jailed in 2001 for 21 months for diverting £50,000 of public money earmarked for patient care into her own bank account, where she worked as a mental health officer at Birch Hill Hospital online applications. in Rochdale.

Witham moved into Bailey's a credit card in Bailey's name



Michelle Whitham

idyllic home upon release in February 2002 and repaid her partner by stealing her identity and secretly re-mortgaging her property.

The professional fraudster fordged Miss Bailey's signature, used the victims passport and driving licence to complete

Whitham, managed to take out

and also re registered the victims car in her own name.

She managed to secure two loans for £39,500 and £20,500 right under Bailey's nose.

To avoid detection, she arranged for all mail to be left at the local Post office which she would then later collect.

Patricia, only realised that she had been the victim of wrong doing when she was pulled over in her car to find out that Whitham had cancelled her insurance and placed it in her own name.

Bailey went to the police when the relationship broke down and has now been forced to put her

house up for sale.

Whitham who is a former NHS officer admitted fraud and was sentenced to 2 years at Burnley Crown Court.

The court heard that luckily some of the money had been recouped, approximately £10 -£15,000.

During the Judge's sentencing remarks, he said "There are only two victims - the financial institutions and Miss Bailey, who was exploited by you and has had to suffer psychological and financial consequences of your actions, She has found it distressing".

### Having a laugh

It was Christmas and the judge was in a merry mood as he asked the prisoner,

"What are you charged with?"

"Doing my Christmas shopping early", replied the defendant.

"That's no offence", said the judge.

"It is if you do it before the shop opened", countered the prisoner.

by "prisoner" at HMP Rye Hill

### Can a book change a life? We think so.

by the SPCK Prison Fiction Project

Prison Fiction is a new organistaion working with publishing charity SPCK, who have commissioned a series of books specifically aimed towards prisoners

Almost 50% of those in prison have a reading age of an eleven year old or

Can you imagine how difficult that makes it to get a job and interact in the world when you leave prison?

Low literacy is one of the key factors in low unemployment and re-offending among those released from prison.

BAWe want to help prisoners to use their time inside as an opportunity for education so that their lives get better when they leave prison, not worse.

We have discovered that there is a shortage of reading material which appeals to adults but has a suitable reading level for those with low literacy skills.

Many prison reading schemes are based on stories of true crime and horror, which we don't think helps prisoners' rehabilitation.

Our prison fiction series "Not Such a Bargain" will encourage individuals in their reading, but also in their rehabil-



itation. There are discussion points at the end of each short chapter, which makes them ideal for use in reading

The first two titles, "Not Such a Bargain" by Toby Forward and "Barcelona Away" by Tom Palmer, were piloted in seven prisons in 2013, with a very positive response.

The stories present believable characters and situations, the stories will encourage self-reflection and explore ideas of choice, personal responsibility, and positive relationships while emphasising the ideas of love and redemption that are at the heart of the Christian message, while not being overtly religious.

Most enjoyable - both had moral messages. Interesting content which appealed to our adult male learners. (staff at HMP Risley)

I found it an interesting and thought-provoking book. (prisoner at HMP Frankland)

We now have another book on the way, Sixty-Four Quid and a Bag of Dirty Washing by Andy Croft.

Thanks to funding from the Maurice and Hilda Laing Foundation, The Bishop of Oxford's Outreach Fund, The Seedfield Trust, churches and individual supporters, we will be able to make a first batch available in all prisons in The British Isles that request

Prison Fiction have had 17 orders so far, giving away 737 books nationally to reading groups organised by prison libraries, chaplains and charities including 2nd Chance Project, Prison Reading Group and the Wormwood Scrubs Book Room, sponsored by Give a Book.

Many are using the books either with the Six Book Challenge or with Toe by

Feedback so far has been excellent:

"It's a really good book" Prisoner, HMP Holloway.

"The books have been really useful, who ever wrote them understands the practical moral dilemmas facing many people, the subject matter is true to life. I used one of the books with a small group - it was a good ice breaker and started a discussion which nicely led into a conversation about compassion..." Staff Member, Life Chances.

If you are a prison chaplain, education officer, librarian or Governor and would like to run this scheme in your prison, please do get in touch.

The project is fully funded and books are provided free to prisons inclusive of postage.

Please visit:

http://www.spck.org.uk/diffusion/ prison-fiction for further details and information.





### Lose Fat, Build Muscles

When the weather turns cold, you want a routine that will push your body to its limits, and provide alternative exercises yo resistance and strength training workout that is also challenging for your heart and lungs.

This workout is a 25-minute workout that will take you to your maximum physical effort as well as your maximum heart raburn out the targeted muscle group as well as increase your heart rate to a fat and sugar burning zone. Try the 25 minute vin the weight room.



1) Bench press or pushups - max in 1:00 min



2) Squats - max in 1:00 min



3) Pullups or pulldowr



6) Lunges - 1:00 min each leg



7) Bicep curls - 1:00 min



8) Bike or jog - 3:00 mins



11) Situps 2.:00 mins



12) Leg Curls\* 1:00 min



13) Crunches - 2:00 mins



14) Shru

(\*requires leg machines - or repeat lunges with weights)





### with Circuit Training

u can do in the weight room that will also have a cardiovascular effect. Circuit training is one of the best ways to make a

ate. The object of this workout is not to rest in between exercises. You will see that one minute of a particular exercise will workout below 3 times a week. - if it is not challenging enough for you try it again, totalling only 50 minutes of your time



4) Bike or jog - 3:00 mins



5) Barbell press - 1:00 min



9) Tricep extensions.- 1:00 min



10) Leg ext\* - 1:00 min

(\*requires leg machines - or repeat squats with weights)



s - 1:00 min

15)Rest 3:00 mins



See the back page of Jail Mail for more details

# A weekend away for Irish offenders

Government announce new plans to sentence offenders to prison for the weekend to help maintain family ties, employment and education

New Government plans have been unveiled to try and resolve Ireland's overcrowded prison population, which include sending offenders to prison, for a weekend at a time.

A group of civil servants, judges, lawyers and prison chiefs have been ordered to report on how to revamp the sentencing system.

The recommendations proposed have been welcomed by Frances Fitzgerald, Justice Minister who is of the view that such an idea would help shape the future of sentencing.

She said, "I am determined that serious offenders and serial offenders must continue to be imprisoned," she said.

"Society expects and demands nothing less. But while prisons must remain part of the answer, prison must not be the only answer."

The 128-page report compiled has identified that more focus needs to be given to the underlying reasons for reoffending and more support is needed to reintegrate offenders back into society rather

than simply punishing them.



One deterant which has been recommended, is for a custodial sentence to last for only a weekend, allowing the offender to maintain work, education and family ties.

The proposal would see offenders detained in an open establishment and let into

the community from Monday to Friday in certain circumstances.

The reforms also suggest that Judges should explain the reasons for sentencing in writing before sending someone to custody. It is believed that this would help victims, offenders, lawyers and the public compare sentences for similar offences, and provide suitable sentencing guidelines.

Ms Fitzgerald commented that more sentences apart from custodial sentences need to be applied, to help rehabiltate offenders, she said: "Prison is not the only solution when it comes to those convicted of lesser, non violent offences."

"Research proves supervised community sanctions can help in reducing reoffending, thereby reducing crime."

The report has also urged for further investigation into the rise of the number of women currently being sentenced to time in prison, despite a drop in female convictions and a dip in the number of men being jailed.

The study suggested that criminal sanctions imposed can have more of a detrimental effect on woman and the lives of their children, who need to be offered additional support.

The report concluded that Ireland needs to change the idea that prison is the only real form of punishment, and it should only be used as a "last resort".

### PROBLEMS FROM THE PRISON?

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## Chief Inspector praises Dartington's LandWorks Resettlement programme at 1 year anniversary

Dartington's LandWorks which launched in September 2013 has been praised by Chief Inspector of Prisons Nick Hardwick for providing a ground breaking resettlement scheme which aims to help reintegrate ex-prisoners into the community and reduce re-offending, providing constructive connections, training and support.

The Chief Inspector of Prisons, met current and former prisoners from HMP Channings Wood, HMP Exeter and those who are currently on the scheme

Since it launched last year, 10 offenders have been offered support by the programme with 3 of 4 trainees now in suitable employment.

Landworks hopes to make communities safe by helping to rehablitate offenders and reduce reoffenidng rates.

Approximately £37,000 a year is saved for every Landworks graduate who makes a success in the community and doesn't reoffend and return to prison.

Nick Hardwick said: "I'm glad I could be here to celebrate the first anniversary of the Land-Works scheme at Dartington. Resettlement schemes like this give former prisoners and offenders useful horticultural and carpentry skills, but they do more than that".

"Prisoners also develop the skills and habits they need – such as teamwork and reliability – to get and hold down a job. Having a job can help prisoners turn away from crime and live law-abiding and purposeful lives."

Project manager Chris Parsons said to reporters: "We're very pleased that the LandWorks scheme is being recognised nationally. The more we can turn people away from a life of crime and provide the skills and routes into work, the fewer victims we will have in our communities.

"We've had a fantastic first year, intend to build on that and what's especially exciting is that this project has the potential to be replicated across the country."

### Social - Media Attention: Blog of the Month

Many people assume that prisoners look forward to their day of release like a kid anticipating Christmas or their birthday. Of course some do, but many don't because of institutionalisation, fear of the unknown or anxiety about the struggle to survive outside the gates. And then there is the impact of release on prisoners' families.

I was motivated to write this blog post by a couple of comments made by family members of prisoners who have had first-hand experience of a return from prison. Some of these observations have been contributed to the excellent Prisoners Families Voices website, including a recent letter entitled The Strain of Prison Release. It is often easy to overlook the impact that the return of an ex-prisoner – particularly after serving a lengthy custodial sentence – can have upon his or her family.

Prison life regiments and institutionalises. To some extent it has to, otherwise the daily regime wouldn't work. In each establishment hundreds of cons have to be managed, fed, escorted to and from activities, counted, unlocked and locked up again and the only way this can be achieved, particularly given the decreasing number of wing staff, is through strict regimentation. However, one consequence of this highly inflexible regime is that prisoners quickly start to lose initiative and eventually can become institutionalised. The longer the stretch being served, the more likely it is that this will happen.

Any nick is a strange place in which to live. Originality of thought and action is strongly discouraged. Acts of altruism, such as lending an item to a friend, are breaches of the Prison Rules. 'Normal' human interaction and social relationships are changed in ways that are both subtle and overt. I can only write from first-hand experience about adult male prisons. Perhaps things are different in establishments for females, although I suspect that the risks of institutionalisation remain very similar, especially during long sentences.



On the other side of the gate

Many prisoners who are approaching release have - quite literally - no idea of where they are going once they walk through the gate. Almost all high-risk inmates will probably be required to live in approved premises (hostels), at least initially, as part of their licence conditions, but for many lower risk cons their first night out of the slammer could well be spent on a bench in the local park, a shop doorway or a bed in Salvation Army night shelter. Release in the depths of winter is particularly dreaded. It's easy to see why the prospect of freedom can be overshadowed by fear and anxiety for ex-prisoners who have no family ties or support in the community.

However, plenty of other prisoners do have family homes to which they will be returning. The stere-otypical view is that their families will be eagerly awaiting the release date and will be outside the prison gate to whisk their loved one off home for a celebration. If only that were true in all cases.

Of course, some ex-cons are fortunate in that they do have strong support networks made up of family and friends, as well as former workmates. Their return home is often a cause for happiness and catching up with their partners, kids, siblings and parents. Others, however, will be returning to a whole world of relationship problems, stress, depression and pain. The success or failure of their resettlement can often depend on what happens during this adjustment period immediately after release from custody.

For families, the anxiety can be overwhelming. Some, having struggled financially while their loved one was incarcerated, will face the prospect of an extra mouth to feed at a time when payment of benefits may be delayed and employment prospects for people with criminal records of any kind are bleak. The £46 discharge grant given to adult prisoners as they leave the prison gate isn't likely to make much impact on the family budget. This, in itself, can lead to feelings of guilt. I know of specific cases where ex-prisoners have returned to crime, such as burglary or shop-lifting, so they can make some sort of 'contribution' to the family finances.



Not always easy to sort it all out

For ex-prisoners who have learning difficulties or literacy problems, there can be the nightmare of trying to register for benefits at the local Job-Centre – now mostly done online and a potential challenge to people not familiar with computers or who cannot read. Getting it wrong or not having the correct information to hand can result in lengthy delays in receiving any money, as well as possibly impacting on the continued payment of existing family benefits. The financial implications of an ex-prisoner coming home shouldn't be underestimated.

I recently spoke to one lad who was discharged from prison in May. Because of complex paperwork and a missing document from his last prison, he has yet to receive a single penny in benefits and is completely reliant on his family for food. That doesn't make his home circumstances any easier and to be honest I'm quite impressed that, so far, he hasn't drifted back into crime. Maybe his rehabilitation is going better than anyone expected.

Then there are the psychological adjustments that will be required. A relationship that was in trouble before a person was sent to prison is unlikely to have improved while they have been away, assuming it has even survived at all. Even very strong relationships can come under severe strain because of the difficulties some ex-cons will experience when trying to reintegrate back into a very different type of environment to a prison wing. It would be interesting to know whether there are any figures available on relationship breakdowns shortly after release of a partner from prison. Just based on the anecdotal experiences of friends I made in prison, I suspect that the numbers may be depressingly high.



The jangle of keys on every wing

There are also practical issues to deal with. An

B



inmate who has spent years living in a single cell may find it difficult to sleep in the same room or bed as their partner. Some end up kipping on the sofa or in a spare room. Other ex-prisoners may not be able to cope with the lack of noise in the average family home. Prison wings are often very noisy places: shouting, banging of doors, cell call bells buzzing, jangling of screws' keychains, clicking of inspection flaps in cell doors. Readjustment to a much quieter environment can take time.

Using domestic appliances, mobile phones, computers – even handling keys or kitchen knives – after a long custodial sentence can take time to re-learn and may require patience and tact on the part of those around ex-cons who are back in the community. Prison life is so constrained and dominated by rules and regulations – some seemingly very petty to outsiders – that returning to a 'normal' existence at home doesn't always come naturally.

And then there is the issue of traumas experienced in prison with which many ex-cons and their families will have to deal. Some newly released prisoners may want to talk about prison all the time, others don't want to think about it at all, and this can extend to answering questions from curious friends and family. If someone has been assaulted while in jail – physically, sexually or psychologically – this can have a significant impact on his or her personality and mental health. Family members may notice marked differences in behaviour and attitudes without fully understanding why the former prisoner has changed.

Some will not be willing or able to even start sharing information about these negative or painful experiences. Prison can be a violent and sometimes brutal environment. Bad things do happen. It's never easy for someone who has been the victim of a serious assault or bullying inside prison (or outside, for that matter) to disclose what they've been through to those close to them. Anything that has involved sexual violence is likely to be particularly traumatic to cope with.

Family members also face a range of challenges. If an older child has taken responsibilities in the absence of a parent who has been in prison, they may suddenly feel resentful and threatened by the reappearance of someone who may expect to be respected – and obeyed. Partners who have had to make difficult decisions on their own may now risk losing a degree of autonomy and freedom. The period immediately after release can be a complex process of people getting acquainted again and of negotiating delicate family politics.

Relationships within extended families may also have changed while someone was away in prison. In-laws may prove hostile, judgemental or be reluctant to welcome the ex-con back into the wider family circle. This can cause deep divisions and tensions within some families and can lead to estrangement and bitterness. No resettlement courses in prison – assuming any are now still being offered – can prepare a prisoner for this moral and social maze.

Moreover, nothing is likely to be on offer for their family beyond a quick home visit from the local probation office. For me, this is one of the major failures of the rehabilitation process. Getting it wrong at the family level can mean a complete failure of any release plan, including breaches of licence conditions resulting in a potential recall to prison.

It can be much easier after ROTL, that is why home resettlement leave on temporary licence (ROTL) is so vital. It offers an opportunity for the prisoner who is approaching release – usually in the final months of his or her sentence – to leave the prison and go back home (or at least to a

hostel in the area into which they will eventually be returning) for a few days of relative 'normality'. They get the chance to start the long process of readjustment before they are finally discharged from custody.

Personally, I found that the six periods of ROR (Resettlement Overnight Release) I had before my own release from prison earlier this year played a major role in reducing the anxiety and stresses, both for me and my family. I returned home for four nights every 28 days during the six months before I left prison and this gave me the opportunity to reconnect with my family, to discuss practical matters and for us do some planning for the future.

Based on my own experience, I believe that rather than being regarded as a luxury or some kind of reward for good behaviour, any inmate who is going to be released after serving a lengthy sentence should be granted periods of ROR as a standard part of their preparation for release. In

Fact, I would go further and recommend that it should even be a clear objective in pretty much every sentence plan, especially for prisoners who are going to be released from closed prisons.



Happy to be leaving?

Unfortunately, at the moment it appears that only those inmates who are already at D-cats (open prisons) are being granted ROR. The Ministry of Justice also seems determined to make the granting of ROTL much more difficult across the board following a relatively small number of cases where cons have failed to return to prison as agreed or where further offences have been committed.

Like so much of the nonsense that passes as penal policy in Grayling World, reducing access to ROTL will not reduce the future risk of re-offending, nor will it do anything to improve the prospects of ex-prisoners reintegrating successfully back into their families or local communities. It is, in my opinion, simply setting many ex-offenders up for failure.

Moreover, where prisoners are expecting to return to their family home (whether that be to live with a partner, parents, children, siblings or other extended family members) it should be seen as essential to offer support to those who will be expected to live with them, both before and immediately after they have been released. As is clear from the contributions on the Prisoners Families Voices website, some writers feel that they've had no support or advice and feel great anxiety about the imminent release from prison of a family member.

Developing a comprehensive approach to resettlement before and after an inmate leaves prison - including an integrated strategy dealing with benefits - that would fully involve the soon-to-be ex-prisoner's family would be a major step in the right direction. An approach that would focus on setting ex-offenders up for successful reintegration, rather than for failure and recall to prison.

Now that really would be a 'rehabilitation revolution'.

### **Crossroads Trust: Peer Mentoring Service - Transforming & Empowering Lives**

John Beesley - Volunteer Operations Manager of Crossroads Trust shares his experience and how Crossroads can help you!

The time has come for your eviction from the HMP Big Brother House. No more resounding slamming and closing of doors and jingling of keys turning in locks.

As one door closes on incarceration and past troubles a new door opens to freedom and hopefully a crime free life and positive future. There may be a smiling face or a hug from family or a friend outside the prison gate to welcome a return home. Sadly for many individuals leaving the prison system this is not always the case.

Many leave prison with no support, unresolved issues and a simple £46 discharge grant in their pocket. With nowhere to live, no job and no hope. Fear and trepidation rules and for many going back to crime seems the only option to survive regardless of the consequences and may even perceive a return to prison as a safe haven and the only option.

Re-offending is one of the biggest problems facing Britain today. £7,000,000,000 - £10,000,000,000 is the Annual cost of reoffending.

To put this in perspective this figure was the cost of staging the 2012 London Olympic Games or even the construction of two new NHS hospitals. Current statistics available for re-offending rates remind all those agencies involved in rehabilitation that almost one in two individuals leaving the HMP Big Brother House will re-offend within 12 months of leaving prison. This is a shocking statistic and begs the question, is the current system setting up individuals leaving the prison system to fail? Something drastically needs to change.

The Government is already planning to change the way in which criminal justice agencies such as Probation Trusts manage ex-offenders on release from prison. Transforming Rehabilitation is a revolution in the way offenders are managed and describes the Government's objectives for reforming the delivery of offender services in the community to reduce reoffending rates whilst delivering improved value for money for the tax payer.

New private Community Rehabilitation Companies will manage low/medium risk offenders in the community with high risk offenders being managed by the Probation Trust.

Soon the Ministry of Justice plan to provide supervision to those sentenced to under 12 months. Previously an individual sentenced less than 12 months received no supervision. The capacity to do this successfully is still under scrutiny.

Whilst serving my sentence at an open prison in Gloucestershire, I was fortunate to be given the opportunity to work out-



side the prison for a Bristol based charity called the Nilaari Agency. A community based organisation providing culturally appropriate services primarily to Black Asian & Minority Ethnic (BAME) adults with complex needs. Nilaari work with those at risk of re-offending, those with problematic substance misuse as well as those experiencing mental health issues.

Having had personal experience of substance misuse and mental well being issues I had a connection with their work.

I met inspirational role models who had personal experience of the criminal justice system. Through self-determination and motivation managed to change their lives around for the better and were now working as peer mentors to help others being released from local prisons.

I learned firsthand that peer mentoring works and transforms lives reducing the risk of re-offending and so the seeds were sewn for a new personal mission, to set up a similar agency closer to home to help those individuals released to my own community. I was well aware the political climate was changing supporting new innovative ways of working to help reduce re-offending.

On release to my resettlement area of North Warwickshire I made it my mission to explore and research what community support was available to help ex-of-fenders with their resettlement needs. Supported by another ex-offender we knocked on many doors belonging to statutory agencies such as Probation, Borough Councils and the voluntary sector. We knew it would be like marmite. People were either going to love the idea of a new peer mentoring agency for ex-cons or hate it.

But to our surprise we discovered there was a tremendous understanding of the social issues and a recognised local need for a new agency to support ex-offenders in the area. Commitment leads to action and action brings about your dreams.

The Crossroads Trust was born in Au-

#### gust 2013.

It took a lot of hard work, time and effort to set up the Trust. On reflection it has been a long but incredible journey with many pot holes to negotiate along the way. But the final destination has made all the self-sacrifices worth it.

I love working for Crossroads and seeing the great outcomes of our work helping others. At the start like many leaving prison I was placed automatically onto the Works Programme.

I remained there for 6 months, stained with the stigma of having a criminal record and faced with rejection from numerous employers, but eventually I was successful with a local employer who assessed my capabilities on the present and not discriminate me for my past despite disclosure.

My shift pattern is 0430-1230 leaving me time in the afternoons and early evening to spend on Crossroads development.

Crossroads Trust is a social enterprise which means it is a non profit making organisation. The Trust has five Directors to manage the business. The Trust is made up of professionals with experience of the Criminal Justice System, volunteers and ex-offenders working as mentors who have successfully managed a transition back to life in the community.

As a team they facilitate an outreach peer mentoring service supporting ex-offenders being released to North Warwickshire and surrounding areas.

The service provides information, advice, signposting and practical support to clients with criminal records many of whom have received custodial or community based sentences. From our pilot projects we know peer mentoring works. Our clients build up trust and rapport with their mentors. Their self esteem and self-confidence blossoms. Following which everything becomes possible.

We do not always have the answers. Many

of our clients have complex problems including mental health and substance misuse issues.

However by developing partnerships and working with other support agencies in the region we can help individuals needing a multi agency approach to help them move forwards and desist from re-offending. Together we are transforming and empowering lives of ex-offenders in North Warwickshire with Crossroads being the bridge and knitting the collective support agencies together to help.

Without the business coaching and funding support provided by UnLtd, Heart of England Foundation, Big Lottery Fund, Coventry & Warwickshire Chamber of Commerce, Warwickshire Community And Voluntary Action and Coventry & Warwickshire Cooperative Development Agency, Crossroads and its mentoring projects would not have been possible.

Again I met inspiring forward thinking people who backed the social cause. I was classed as a social entrepreneur and initially received an award to help finance the start up of Crossroads from UnLtd. A charity supporting social entrepreneurs at every stage of their development.

The next development is to be able to fund full time project workers. To achieve this Trust is exploring the feasibility of developing micro- businesses to bring in income so the Trust is not reliant on grant funding. Exciting times ahead as Crossroads will go from strength to strength to support ex-of-fenders in the region.

As volunteers and peer mentors we have a shared vision that we are all equals; we all have something special to offer our Community. We have come together to support those most disadvantaged and often vulnerable in our Community – North Warwickshire.

If you are soon to be released to North Warwickshire including Nuneaton, Bedworth, Atherstone and surrounding areas and you are seeking support with resettlement needs you can make a self referral by writing or contacting Crossroads Trust directly.

Crossroads Trust Community House Coleshill Rd Atherstone Warwickshire CV9 1BN

www.crossroadstrust.org.uk

Telephone: 03337720048

 ${\bf Email: John@crossroadstrust.org.uk}$ 

### Outside - In

What's going on this month outside the prison gate

### **Apple announces iPhone 6 and new Apple Watch**

Apple finally launches iPhone 6 and iPhone 6 Plus and the long awaited Apple watch in California

### The battle of the best mobile phone continues!

Apple unveiled two new iPhone 6 smartphones at an exclusive event in California on 9 september whuch will come in two sizes - the iPhone 6 and the iPhone 6 Plus.

The smaller model is sized at 4.7-inches, while the larger iPhone 6 Plus is 5.5-inches.

Like the iPhone 5s, the new models will come in silver, space grey and gold, and will be available to purchase from September

Each will come in 16GB, 64GB and 128GB configurations, with the iPhone 6 starting from £539 for the smaller model.

The iphone 6 boast a resolution of 1334~x 750 with 326 pixels per inch, while the 6 Plus has as resolution of 1920 by 1080 and 401 pixels per inch, equating to 1080 HD resolution.

The new phones will also feature equal or better battery life than the 5s, which is much needed.

Phil Schiller, Apple's senior vice president said "they are the best we've seen and the best we know how to make"

Also unveiled was the brand new addition



to the Apple range, the "Apple watch".

The Watch will come in three different versions - the Apple Watch Sport in polished or black stainless steel, the normal Apple Watch in grey or silver anodized aluminium, and the expensive yellow 18 carat gold luxury Watch Edition, developed to be up to twice as hard as standard gold.



Users will navigate using a traditional looking side-winder, called a Digital Crown, instead of Apple's favoured pinch-to-display technology as seen previously in the iPhone.

the wearer to zoom in and out of the display, as well as scroll and navigate.

Rotating the Crown will allow

It will also double up as a home button, and activate digital assistant Siri.

Prices for the watch will start from \$349, and all models will be available to buy from early 2015

However UK pricing has not yet been released by Apple, this should be disclosed later this year.

The technology is something futuristic, the watch's Taptic Engine will enable the wearer to be guided while running the Maps app through a series of gentle vibrations, removing the need for the wearer to even look at the screen.

Whilst, pressing two fingers on the screen enables the Watch to capture and send your heartbeat to a friend or loved one.

Apple says that it has been intentionally designed to act both as an all-day fitness tracker and a highly advanced sports watch, to help the user keep track of their health and fitness levels

### Wembley confirmed to host Euro 2020 semi-finals & final



Uefa's president, Michel Platini, confirmed on 20th September that Wembley had been unanimously awarded the "finals package" after the only rival, the German Football Association confirmed it was more interested in hosting Euro 2024 in its entirety and therefore withdrew from the bid.

England's FA chairman Greg Dyke, 67, said: "This bidding process was open to more than 50 Uefa countries so for Wembley to be recognised in this way is testament to a lot of hard work behind the scenes"

Roy Hodgson believes the decision will provide a big incentive for the younger players in his England squad to win it. He said:

"For the young team that is emerging, many of those players will be at their best football years in 2020," the 67-year-old England manager said. "If the young players of today don't use this to spur them on then they are making a mistake. By 2020 some of them will be playing their fifth tournament and that is the type of experience you can't buy."

London will host the final "week of football" at the climax of a tournament that will be played across 13 countries in toal. Ranging from the Republic of Ireland in the west to Azerbaijan in the east.

Baku, will host a quarter-final and three group stage matches, along with Munich, Rome and St Petersburg.

Wales lost their bid by just a single point to Scotland in the final phase of voting by the executive committee.

The Scottish FA's chief executive, Stewart Regan, said the success of the Commonwealth Games and a passionate video address by Sir Alex Ferguson had helped sway the decision. "Everyone saw what Glasgow was capable of with the Commonwealth Games and that really put Glasgow on the map, it was a huge factor and we used that in our film," he said. "Sir Alex Ferguson came in last week with a video in support of our bid and spoke passionately about it and I am sure that must have helped."

### Nude celebrity photos leaked online for all to see



The date of 31 August 2014 put fear into a number of high profile figures and celebrities after a collection of almost 200 private nude pictures of various celebrities were posted on the internet and immediately shared by 100's of curious users around the world on websites and social networks, such as Imgur, Reddit, Twitter and Tumblr.

The leaked photos included alleged compromising pictures of Hunger Games star Jennifer Lawrence, Lea Michele, Kate Upton, Spider man actress Kirsten Dunst, Hope Solo, Michelle Keegan and other famous young women.

The photos led to a backlash against the unknown hacker who is accused of violating the privacy of the women involved.

A police investigation is currently under way to identify the culprit. However, many believe that the photos were accessed for financial gain.

Spider-Man actress Kirsten Dunst, who was a victim of the leak, seemed to point the finger of blame when she tweeted: 'Thank you iCloud.'

Hollywood actress Cameron Diaz, has spoken out and called the leak of explicit images of dozens of female celebrities 'a major violation'

'Whoever has done it, they will be caught and made examples of. This can happen to anyone. If these guys can do it to this group of people then everyone's vulnerable to it. 'I think that people really need to look at... how would they feel if it happened to them?'

A statement from Apple said: 'When we learned of the theft, we were outraged and immediately mobilised Apple's engineers to discover the source. Our customers' privacy and security are of utmost importance to us.

After more than 40 hours of investigation, we have discovered that certain celebrity accounts were compromised by a very targeted attack on user names, passwords and security questions, a practice that has become all too

'None of the cases we have investigated has resulted from any breach in any of Apple's systems.

common on the Internet.

'We are continuing to work with law enforcement to help identify the criminals involved."

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### The Clink Charity announces plans to open it's first female restaurant at HMP Styal

HMP Style in Cheshire will shortly be opening its doors to hungry punters, after plans are announced to open the fourth training restaurant in 2015.

The restaurant which will be open to the general public, is the first of its kind to open in a female prison which will aim to will improve ex-offenders' prospects of employment, helping to reduce the reoffending rate upon

release

The restaurant will be run by The Clink Charity and the Prison Service but will be staffed by prisoners who will obtain invaluable experience within a fully operational hospitality business and gain the necessary skills and qualifications required for future employment, such as an NVQ in food service and cleaning.

HMP Brixton has recently opened it's successful "Clink Restaurant" in February of this year, as did HMP Send, where "The Clink Gardens" was also recently launched.

The Governor of HMP Styal, John Hewitson said: "We are pleased to welcome this exciting partnership with The Clink Charity which will help us get more women into employment and, in turn, help reduce the risk of

reoffending. When the restaurant opens, it will give the community an opportunity to see first-hand how we're helping to prepare these women for release."

Chris Moore, Chief Executive of The Clink Charity said: "Opening the Restaurant at HMP Styal strengthens The Clink's commitment to reduce reoffending rates".

### High Court Judge rules against Grayling's illegal legal aid cuts

Judge Justice Barnett rules that the Secretary of State for Justice, Chris Grayling has acted illegally in the implementation of legal aid cuts by failing to properly consult with those affected.

The London Criminal Courts Solicitors Association and The Criminal Law Solicitors association brought a case against the Lord Chancellor which was heard at the beginning of September, to challenge the legal aid cuts.

The plans proposed would see work, currently carried out by 1600 firms, reduced and limited to only 535 legal aid contracts, resulting in firms shutting their doors and forced mergers.

However, the High Court has ruled that the Government had failed to correctly consult with the profession in relation to cuts.

The decision, made on 20 September states that Secretary of State for Justice had acted illegally in trying to push through multi-million pound legal aid cuts which inevitably would have resulted in the closure of hundreds of

legal firms.

The claimant's managed to successfully argue that the MOJ had unfairly withheld two economic reports, until the end of the consultation, depriving consultees of an opportunity to comment.

Both groups said the government had ignored the findings of reports which made the consultation procedurally unfair

During the hearing ,the court heard allegations that Grayling had been 'personally involved' in the consultation process and created much of the 'unfairness' himself.

The ruling which will cause much embarrassment for the Lord Chancellor means that part of the process will have to be repeated.

Mr Justice Burnett said: "Something clearly did go wrong".

"The failure was so unfair as to result in illegality."

However the already imposed 8.75 percent in legal aid fees which came

into force in March this year will remain in place, despite an application to quash the reduction.

Nicola Hill, president of the London Criminal Courts Solicitors' Association said:

"The cuts have been nothing short of an assault on justice, compromising fair representation for people accused of a crime in police stations and courts. They threatened the principle of innocent until proven guilty and equal access to justice."

The Government has argued that the United Kingdom has one of the world's most expensive legal systems and this needs to change. The new reforms planned, intend to save a total £220 million.

However there are concerns that the cuts will undermine the ability of lawyers to prevent wrongful convictions and will result in an increase of miscarriages of Justice.

Despite the controversy surrounding the cuts, the Government has announced that it would press ahead with its reforms. A Ministry of Justice spokesman said: "This judicial review was not wholly successful: the claimants failed in their challenge to the fee cut. However, the judgment has raised some technical issues about the consultation process, which we are carefully considering.

"We will continue to implement reform of the criminal legal aid system. We must ensure legal aid is sustainable for those who need it, for those who provide legal services as part of it and for the taxpayer, who ultimately pays for it. Even after reform we would still have a very generous system at around £1.5bn a year."

The case being brought by the Howard League for Penal Reform and the Prisoners advice service against the judgement of Lady Justice Rafferty and Mr Justice Cranston to refuse permission to apply for Judicial Review against Chris Grayling's cuts to Prison Law legal aid was granted permission to appeal on 27 June 2014 and is to be heard by a three Judge constitution before the 24 November 2014.

### Shadow Justice Secretary Khan speaks out over Labours support for children of prisoners

Shadow Justice Secretary Sadiq Khan has spoken to Barnados and raised his concerns about the number of children who have parents in prison during a recent interview.

It has been estimated that there are as many as 200,000 children who have a parent in prison, although the true number has never been calculated.

The Labour government has recognised that children who have parents in prison can face problems such as isolation, stigma, poverty, and family breakdown.

Khan said that steps must be taken to reduce the impact it can have on children.

He said: "It is not difficult or expensive to find the scale of the problem," "The next Labour government will find the



scale of the problem."
Research carried out by Barnardos'
has found that 65 per cent of young
boys who have a parent in prison at
some point will turn to crime themselves.

Khan said "We have got to take steps to address it as an issue," "if you don't measure it, it doesn't get done".

He said data on whether a prisoner has children could be established when they are remanded in custody, immediately prior to sentencing via a pre-sentence report, or upon arrival in prison, following sentencing.

These are just some of the relatively basic measures which can be put into place to get an understanding of the number of children affected.

Javed Khan, Chief executive of Barnardos' told delegates that the government should treat children affected by parental imprisonment as victims of crime.

He outlined that: "Ninety-nine per cent of money in the justice system at the moment goes on the offender, with only one per cent on the victim."

He wants children to be recognised as indirect victims and for steps to be taken by local authorities to improve child care and provide support for children left behind.

The Chief executive referred to Bristol Council, which had set an example by having a campaign for children affected by parental imprisonment in every children's centre and school.

Khan said that local authorities could be afforded greater control over funding streams, allowing them to better address the implications of parental imprisonment through measures such as early intervention support.

It has been the experience of Barnardos' that unless there is someone with suitable training to help at the crucial time of need, the fact a child has a parent in prison, if discovered can be dealt with insensitively, potentially making the situation worse and more traumatic for the child.

The Shadow Justice Secretary re-emphasised Labour's commitment to sharing responsibility for mental health issues with the Ministry of Justice, to create a "women's justice board" to try and replicate the success of the already successful Youth Justice

# Millions to be spent on new 'victims law' unveiled this month by the Justice Secretary



New measures for victims of crime are to be introduced, and millions have been side marked to implement new plans.

Victims will be guaranteed legal rights to confront offenders and tell a court how their lives have been affected under a new law which is due to be introudced shortly.

Under the reforms, barristers will be required to undergo specialist victim training to allow them to take on rape or serious sex offence cases.

The introduction of the "victims law" is intended to improve the court system for thousands of people who have been victims of crime, many of which find giving evidence and the trial process distressing and daunting.

The reforms have been introduced following the death of a concert violinist who took a fatal overdose a week after giving evidence against a former music teacher who had abused her.

The criminal justice system was criticised for failing to offer better support to Frances Andrade, 48, who died at her home in Guildford, Surrey, who apparently fell into despair after being x-examined by the defence lawyer in the case. The plans unveiled will see a new information service and helpline set up by March 2015 in aid to help victims find appropriate support and keep them updated with case developments

In the future, there are plans for compensation to be paid to victims of crime up front and courts will be modernised to include separate waiting areas for victims and defendants.

Justice Secretary Chris Grayling said: "Our criminal justice system can be daunting, and victims, especially the most vulnerable, can find it traumatic and difficult to know where to turn to for advice and support."

"For the first time we will create a system that puts the highest emphasis on victims' needs and sets out their rights clearly in legislation."

"We are also making it easier for them to find whatever it is they need by establishing one simple source of information and help – be it tracking the progress of their case, applying for compensation, knowing what to expect in court, or understanding the range of support available to them."

After alot of criticism of how children were affected by the court process, the government is hoping to extend a pilot scheme in three Crown Courts that allows children to be cross-examined before trials, away from court, with their evidence filmed and later shown on video during a trial.

If deemed successful, the scheme will be applied to all child witnesses by the end of 2017.

Mark Castle, Chief executive of the charity Victim Support, said: "Children and other vulnerable victims and witnesses should not have to face the trauma of giving evidence in a court building, unless they choose to."

The new proposed law will be subject to a bill in the next Parliament and will enshrine several of its measures into legislation.

### **Domineering**

**Players**: Two - Also known as: Crosscram, Stop-Gate

The players take turns linking pairs of dots on a grid.

The first player unable to move loses.

#### Description

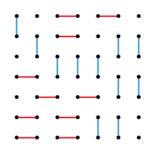
The game is played on a matrix of dots.

The players take turns in linking a pair of adjacent dots.

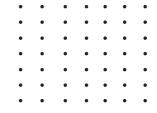
The first player, Blue, always makes a vertical link, and the other player, Red, always makes a horizontal link. No dot can be linked more than once.

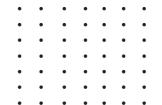
The first player unable to move loses.

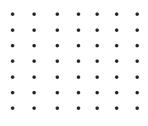
#### Example



#### Your turn!







## History in Pictures



1962, Dummy head used to fool officers by escapee at Alcatraz





# The Duty of Disclosure in Criminal Proceedings and Miscarriages of Justice

By Rebecca Broadbent - Carringtons Solicitors

In recent times, high profile miscarriages of justice have increased awareness of the need for adequate disclosure by the Prosecution to the Defence in criminal proceedings. The Birmingham Six is perhaps one of the most significant cases in modern times which demonstrates the link between inadequate disclosure and unsafe convictions.

### **The Statutory Disclosure Regime**

The Criminal Procedure and Investigations Act 1996 augmented the common law duty of fairness in disclosure and scrutinised the process in criminal proceedings. Section 8 of the Act provides that in cases where the accused has provided a defence statement, he may make an application to the court for an order requiring the Prosecution to disclose material which the accused has "reasonable cause" to believe that the Prosecution is required to disclose to him, but has not.

Whilst this in certain circumstances potentially provides a defendant with a means to compel the Prosecution to disclose relevant material, questions arise as to what precisely "reasonable cause" actually entails.

It seems that such applications remain to be based on a feeling that material has been held. It is therefore more than possible that there will be circumstances where the purported safeguard of section 8 applications fails.

This concept is reinforced – worryingly – by the fact that at present, public funding for judicial review applications to review decisions of the criminal courts is limited.

Whilst a defendant can seek permission to appeal to the Court of Appeal (Criminal Division) if he feels he has been wrongly convicted, traditionally, appeals have been limited to what can be said to have visibly gone wrong in the trial.

It follows that in cases based on merely a "feeling" that inadequate disclosure has been provided, a would-be appellant may have an uphill struggle in demonstrating that his guilty verdict is unsafe by virtue of defective disclosure.

### **The Duty of Disclosure Post Conviction**

The recent Supreme Court case of R (Nunn) v Chief Constable of Suffolk Constabulary is of relevance to potential miscarriage of justice cases where deficiencies in trial disclosure are alleged.

The Court held that whilst the Crown has a specific duty of disclosure during the course of criminal investigations and throughout the trial, once the trial has come to an end, so does the full trial duty of disclosure.

In other words, the common law duty of fairness in disclosure is relative to the stage reached in the proceedings. In many ways, this makes sense. After all, the police have limited resources and such resources must be appropriately used.

Furthermore, it is in the public interest that there is finality in criminal proceedings. This reasoning, however, provides little comfort for those wrongly convicted, and whose convictions could be rendered unsafe by evidence which later comes to light.

The Attorney-General's guidelines that any material which comes to light which may cast doubt on the safety of the conviction should be disclosed. Similarly, the police do have a discretion to make further investigations into criminal matters which have been concluded by way of conviction, however it is questionable whether or not this is a discretion fairly exercised.

### The Presumption of Proper Conviction

During a criminal trial, the defendant is presumed innocent until he is proven guilty. However, once convicted, he is presumed to be properly convicted by a competent court.

This long-standing principle perhaps goes some way to explain the Court's reasoning that the duty of disclosure is not, as the Court put it, "temporally limitless".

Prisoners would have been told time and

time again that their conviction is safe and as a result their sentence plan is assessed and compiled based on the identified risk factors in their own specific case.

However, it can be extremely frustrating for those who maintain their innocence to get recognition of any evidence submitted in defence. Especially if you beleive you have been victim of a miscarriage of justice.

This in turn can prevent those who maintain their innocnece from progressing and meeting the requisite test for release. If you are an indeterminate sentence prisoner, this can significantly increase the length of time served in custody.

### Remedies for those wrongly convicted

It has already been suggested that an application for permission to appeal on the basis of inadequate disclosure may fail at first hurdle, but don't stop there!

Whilst, the Court does not exist to explore the evidence that was – or was not – presented at trial, the Criminal Cases Review Commission may provide individuals with some redress.

The CCRC ultimately has the power to refer a conviction which it considers unsafe to the Court of Appeal. In reviewing such convictions, the CCRC may conduct investigations and gather fresh evidence.

The ability to investigate is of particular importance in cases where inadequate disclosure is suspected and in cases where convictions are based on scientific evidence that has subsequently been superseded. In this regard, the CCRC plays a valuable role.

If you have any concerns about any of the issues raised in this article, and you feel that the above applies specifically to your case, you should seek immediate legal advice.

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If you believe that you have been a victim of a miscarriage of justice and would like further advice, please contact us immediatley.

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### HM Inspectorate reports

September - October 2014

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### Resettlement provision for adult offenders: Accommodation and education, training and employment

This is an introduction to the new HMPI report completed by:

Nick Hardwick HM Chief Inspector of Prisons

Paul McDowell HM Chief Inspector of Probation

Sir Michael Wilshaw HM Chief Inspector, Ofsted

The full report can be found on

http://www.justiceinspectorates.gov. uk/hmiprisons/

In April 2015 far reaching changes will be introduced to 'transform' the way that offenders are rehabilitated and to reduce the risk they reoffend.

Offenders serving sentences of less than one year will be subject to statutory supervision. Support and supervision of low- and medium-risk offenders will pass from the probation service to voluntary and private sector providers commissioned through regional Community Rehabilitation Companies (CRC). Higher-risk offenders will be supervised by a new national probation service. Offenders serving short sentences and those with less than three months to serve should be held in 'resettlement prisons', in or linked to the area in which they will be released.

Resettlement services should be organised on a 'through the gate' basis, making greater use of mentors than at present and with providers paid in part according to the outcomes they achieve in reducing reoffending.

The primary aim of this report is to inform the development of these new services by examining the effectiveness of existing arrangements to help offenders obtain suitable and sustainable accommodation and education, training and employment (ETE) on release as part of wider resettlement provision. The report follows a cohort of 80 offenders from prison through the gate into the community and identifies their accommodation and occupation status shortly before release, on release and one and six months later.

The offenders in this study were chosen because they were already subject to statutory supervision on release as they were serving sentences of one year or more. We are confident that in the key areas there is a direct parallel with provision for offenders serving shorter sentences, although care should be taken in interpreting the results. It is important to recognise where there are differences, not least to ensure that the requirements of offenders serving longer sentences do not get overlooked in the pressure to establish the new arrangements.

Many previous studies have highlighted the importance of accommodation and ETE to reducing reoffending. The Social Exclusion Report of 2002 indentified them as two of the critical resettlement pathways that have been the focus for much effort since, and the 'Surveying Prisoners Crime Reduction' survey a decade later unsurprisingly came to similar conclusions. Offenders themselves consistently tell us during inspections how important having somewhere secure and stable to live, and something constructive to do, is to staying out of trouble after they are released.

The findings of this report are striking. Most importantly, it absolutely confirms the central importance of an offender's family and friends to their successful rehabilitation.

Of course, sometimes an offender's family may be the victims of their crime and sometimes they may be a negative influence that contributes to their offending behaviour –we found a small number of examples of this in this inspection. However, overwhelmingly, this inspection confirmed our view that an offender's family are the most effective resettlement agency.

More than half the offenders in our cohort returned home or moved in with family and friends on release, even if this was only a temporary measure. The few who had a job on release had mainly arranged this with the help of previous employers, family or friends.

Helping offenders maintain or restore relationships with their family and friends, where this is appropriate, should be central to the resettlement effort. But too often, these relationships are seen simply as a matter of visits which may be increased or reduced according to an offender's behaviour.

We found no evidence that families were involved in sentence planning for instance, even when an offender said they were relying on them for support after release.

Too little account was taken of whether initial arrangements were sustainable

and what continuing support might be needed.

Of the 48 offenders who moved into their own home or with family and friends on release, a fifth had needed to move in with different family/friends when we checked on them after six months.

What should happen, where possible, is resettlement work which helps the offender and his or her family to maintain or rebuild relationships; an assessment of any offer of support; and, where appropriate, involvement of the family in plans for release.

We are concerned that work on family relationships that will continue to be provided, if at all, directly by the prison will not be integrated with work done by resettlement service providers.

In contrast to the support provided by offenders' family and friends, our findings in this report reinforce the criticism we have previously made about formal offender management arrangements in prisons.

We found that contact between offenders and offender supervisors or managers varied considerably and even where there was good contact, this had little impact on accommodation and ETE outcomes at the point of release, Ithough contacts were more effective post-release. Sentence planning and oversight were weak and resettlement work in prisons was insufficiently informed either by an individual assessment of the offender concerned or a strategic assessment of what opportunities would be available to offenders on release, with input from relevant organisations and employers.

Information sharing across prison departments was poor overall but better in open prisons and those preparing long-term offenders for release. It will be important that those prisons designated as 'resettlement prisons' in the new arrangements urgently begin to create the 'whole prison' approach to resettlement that is too often lacking at present. It would certainly help address these problems if prisons had a better understanding of current accommodation and ETE outcomes.

At present they rely heavily on self-reported information from offenders at the point of release with no follow-up on longer-term accommodation and ETE outcomes, which as our findings demonstrate, is an ineffective way of judging the effectiveness of resettlement services.

Offenders who posed a high risk of harm were placed in approved premises where their risk could be appropriately managed.

Offenders expressed concerns to us about the adverse influence of other residents of approved premises, and two of the nine offenders who went to approved premises on release were subsequently recalled, but others had progressed six months later.

Shortages of affordable rented accommodation, references, a lack of resources to pay deposits and rent in advance, and the practical problems of arranging accommodation from inside prison, meant that rented accommodation in the private or social housing sectors was not an option for any of the offenders we followed.

Often offenders were able to move in with family/friends on release, even if just as a temporary measure, but the three in our sample who did not have this option were forced to rely on emergency shelter immediately after release. Access to affordable rented accommodation will be a significant challenge for new providers and it is likely that there will need to be an expansion of rent deposit and guarantee schemes and other provision if it is to be met.

Some offenders in our cohort such as young adults who had been in care as 'looked after children' and women offenders who took over the sole care of their children after release had entitlements to housing that needed to be identified and

Of course, finding and sustaining accommodation is not simply a question of paying the rent but also of having the skills necessary to live independently. For those who might struggle to live independently because of their age and lack of maturity, such as young adults, or older offenders who had become institutionalised by long sentences, some form of supported accommodation was necessary if they were not placed in approved premises.

For offenders serving longer sentences, these findings provide clear evidence of the value of the opportunities provided by open prisons and well-managed release on temporary licence (ROTL) both to maintain relationships with family and other support in the community, and to get real work experience. As one offender said to us:

'Community work, it puts you back in a

### HM Inspectorate reports

September - October 2014

situation of dealing with people; strange at first, not just dealing with other offenders.

Other times I've been released, I've been scared, anxious and overwhelmed being back in the community – when you first go out on community work, someone comes with you for the first few days, takes you through how to get there, etc. Gives you confidence for paid work.'

Having somewhere sustainable to live was an essential prerequisite to getting and holding down a job.

Without a secure place to live, it was very difficult to get a job; without a job, it was difficult to afford a place to live. Assessment of ETE needs in prison was not sufficiently linked to sentence plans and offender supervisors relied on offenders' accounts of their progress and needs, rather than a more objective assessment.

None of the offenders in our cohort ended up using the vocational skills or training they had received in prison in employment after release. What was much more important was the employability skills they gained and this also reflects what employers have told us. Reliability, trustworthiness, the ability to work on their own initiative and good customer service are essential to an offender's employment prospects, and can be developed or discouraged in many aspects of an offender's experience – not just what happens in workshops or classrooms.

It is a further reason why it is so important that an offender's ETE assessment feeds into and is, in turn supported by, a wider sentence plan. This does not happen sufficiently at present.

The report also identifies the frustration of offenders who had higher levels of existing skills and experience and were not able to develop or use these appropriately.

The findings of this report provide evidence of what common sense suggests should be the case, and demonstrate that the recommendations from previous reports on this topic have still to be achieved.

They support the broad thrust of many of the transforming rehabilitation reforms. They may provide a focus on outcomes that is missing at present.

The creation of resettlement prisons should help to create a whole prison focus on resettlement that is often lacking now, as well as better contacts with he community agencies and family support that are essential to success.

Through the gate services and mentors should help to provide continuity of

support, particularly for those who do not have families they can rely on, which was missing for many of the offenders we followed for this report.

The findings also underline the importance of open prisons and well managed ROTL for those serving longer sentences.

However, the findings also identify significant learning points:

- 1. Far too little attention has been given by prisons to the roles of families in the resettlement process. A determined strategic effort and national guidance are required to address this.
- 2. This report confirms the criticisms we have previously made of offender management arrangements in prisons. The recomendations we have made in the report about fundamental change to the offender management model need to be addressed with urgency.
- 3. The report makes clear how the key themes it addresses - offender management, work with families, accommodation and ETE - are inter-related and need to be adressed as part of a whole prison approach to resettlement. The risk is that they are all provided under different management and organisational arrangements and evaluated in different ways. The prison governor has overall responsibility for the safety and security of the prison and for family services. The new national probation service will provide critical offender management arrangements both in prison and in the community for highrisk offenders. ETE providers are contacted under a regional Offenders' Learning and Skills Service (OLASS) contract.

Accommodation services will be organised through Community Rehabilitation Companies who may deliver accommodation services directly or may organise another resettlement provider to provide them. In our view there should be much clearer accountability and authority for prison governors to ensure these different elements are combined in an effective overall strategy that meet the needs of their prison population.

- 4. The report identifies a range of groups that have specific needs such as young adults, care leavers, women and parents. It is important that funding arrangements are not a disincentive to meeting the needs of these groups, or others, that may differ from the majority of offenders.
- 5. However effective the new arrangements are, they will be undermined if offenders cannot access stable accommodation when they leave prison. The Ministry of Justice, the Department of Work and Pensions and CRCs should ensure offend-

ers do not face unnecessary obstacles in accessing the up-front resources they need to obtain private rented accommodation, and have appropriate advice to enable them to do so.

6. The OLASS contract specification should be reviewed, in consultation with employers, to ensure that it is sufficiently flexible to meet the needs of individual prisons, that it caters for a wider range of attainment levels, and that it places a greater emphasis on whole prison activities to develop employability skills.

The introduction of the new resettlement arrangements which will be brought in as part of the 'Transforming Rehabilitation' process on the 1 April 2015 should be seen as just the first stage of a process rather than its completion. We hope this report will help identify what needs to be developed at a national level to continue the process and that its finding will be helpful to providers as they develop their new services.

#### RECOMMENDATIONS

#### To Ministers

1. Ministers in the Ministry of Justice and Department of Work and Pensions should initiate a review of policy to ensure that there are no unnecessary barriers to offenders obtaining private rented accommodation that undermine the Transforming Rehabilitation strategy, and that offenders can obtain the necessary advice and support to do this.

#### To the CEO of NOMS

- 2. A national strategy should be developed to better help offenders maintain and repair relationships with their families and, where appropriate, involve the family and friends of offenders in the rehabilitation process.
- 3. The main recommendation we made in our Third Aggregate Report of Offender Management in Prisons published in December 2013 should be implemented in full:

A major policy review should be conducted by the Chief Executive of the National Offender Management Service, examining the execution and functioning of the Offender Management Model inprisons, to ensure a better match between the requirements of the model and the resources and skills available in prisons to deliver it.

4. Work should be undertaken in consultation with employers, Ofsted and other interested parties to review the OLASS specification, to ensure future contracts

give greater emphasis to a whole prison approach to the development of employability skills, and to provide for a greater range of attainment levels.

### To prison governors and directors, community rehabilitation companies and other resettlement services providers

- 5. The key lessons from this thematic report which should be considered by all the agencies involved in the rehabilitation process at the local level and that will in due course be reflected in HMI Prisons' inspection criteria or expectations include:
- The central role of positive family relationships in the rehabilitation process;
- the need to co-ordinate work with offender's families, resettlement provision provided by CRCs, ETE provided under the OLASS contract and by the prison directly, and the otheractivities of the prison as part of a whole prison approach to resettle-
- robust information sharing arrangements are required between departments within prisons, between prisons, and between prisons and community services;
- the importance of the effective management of transfers between prisons to ensure continuity in the delivery of sentence plans;
- The need for effective monitoring of sustainable accommodation and ETE outcomes to evaluate and develop service provision;
- Where appropriate, the value of effective arrangements to ensure that offenders use the opportunities provided by open conditions and well-managed ROTL to develop experience, and relationships, in accordance with their sentence plan.
- Prison resettlement strategies should address the specific needs of women, parents, offenders who have been looked after children, and other groups with needs or entitlements that differ from the majority.

A joint thematic review by HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted (September 2014)

### Crossword 10 11 12 13 14 15 16 17 18 20 22 23 25 24

#### **Across**

- 1. Floorshow (7)
- 4. Spooky (5) 7. Detection device (5)
- 9. Vertical (7)
- 10. Inactivity (7)
- 11. Measuring implement (5) 12. Dictator (6)
- 14. Ecclesiastic (6) 18. Copious (5) 20. Drawn (7)

- 22. Pouch worn with a kilt (7) 23. Diadem (5)
- 24. Admittance (5)
- 25. Spiny anteater (7)

#### **Down**

- 1. Transported (7)
- 2. Emblem (5)
- 3. Tropical bird (6) 4. Mistake (5)
- 5. Dependable follower (7)
- 6. Go in (5) 8. Magnitude relation (5)
- 13. Reinforcement (7)
- 15. Reasoned judgment (5)
- 16. Musical passage (7) 17. Opportunity (6)
- 18. Part of a church (5)
- 19. Ahead of time (5) 21. Obviate (5)

### **Celebrity Tweets**



#### @realDonaldTrump

20 September 2014: "Without passion, you don't have energy, and without energy, you have nothing!" Just one more of my totally brilliant quotes - use it well.



#### @Schwarzenegger

Former Mr. Olympia, Conan, Terminator, and Governor of California. I killed the Predator. I told you I'd be back.

21 September 2014: I was so proud to share the Olympia stage with the other former Mr. Olympias. Franco, Samir, Lee,...





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### TIME OUT - Just for Fun

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GLASGOW
EDINBURGH
COVENTRY
BELFAST
PLYMOUTH
DUDLEY

LIVERPOOL
BRISTOL
HULL
STOKE ON TRIENT
SOUTHAMPTON
NEWCASTLE

#### **TEST YOUR KNOWLEDGE**

- 1. After how many years would you celebrate your crystal anniversary?
- 2. Which measurement of speed is equivalent to one nautical mile per hour?
- 3. Who created the cartoon Snoopy?
- 4. In Monopoly, the green set consists of Bond Street, Regent Street and which other
- 5. Which sign of the zodiac would you be if your birthday was on the 18th October?
- 6. Who was the first famous non-royal to appear on a UK postage stamp?
- 7. Which birthstone is associated with the month of May?
- 8. Of what is semiotics the study?
- 9. What does the J stand for in Homer J. Simpson?
- 10. On a standard Monopoly board, which station will you find directly opposite King's Cross?

### **SUDOKU**

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### Useless Facts!

- 1. When glass breaks, the cracks move faster than 3,000 miles per hour. To photgraph the event, a camera must shoot at a millionth second
- 2. One car out of every 230 made was stolen last year
- 3. It is illegal to drink beer out of a bucket while you're sitting on a curb in St Louis!
- 4. There are no clocks in Las Vegas gambling casino's!
- 5. There are more that 10 million bricks in the Empire State Building!
- 6. The elephant is the only mammal that can't jump
- 7. You're born with 300 bones, but by the time you become an adult, you only have 206

### 10 completely false 'Facts' that everyone thinks are true

### 10: Mount Everest is lhe tallest mountain in the world.



#### False!

A mountain is highest in regard to how far it soars above sea level. But technically it is tallest from base to summit. And Mauna Kea kills it at being the tallest.

The details are: above sea level, Mauna Kea (in Hawaii) is only 13,799 feet (4,206 meters). However, when you count the huge portion of it that's underwater, it's 33,465 feet tall (10,200 meters). Everest, is only 29,029 feet (8,848 meters) above sea level, with none of it below sea level.

But the shame doesn't end there. Mount Kilimanjaro hasn't taken the stand yet. Kilimanjaro is 19,340 feet (5,895 meters) top to bottom. So it's not as tall as Everest – but Everest is surrounded by the rest of its friends, the Himalayas, all of which are collectively growing by a quarter of an inch per year and pushing Everest's summit higher. Kilimanjaro, on the other hand, is solitary, rising out from the relative flatness of Tanzania all on it's own.

### 9: Body heat dissipates mainly through the head.

The sad truth is, you lose just as much heat per square inch through your head as you do through the rest of the body.

So if you're out on a wintry day and you notice that your head seems to be particularly cold compared to the rest of your body, it's probably because your head is bare, and everything else is sensibly bundled up. Putting on a hat will fix that problem.

### 8: The Great Wall of China is the only man-made object visible from space.



It's pretty hard to pick out the Great Wall of China from any space-based locale. In low-Earth orbit, it's next to impossible to see it with the naked eye. Even with a fairly hefty camera lens, it's still challenging to tell if you're looking at the Great Wall or not.

There are a couple of reasons this pseudo-fact is so farflung. For one, its history dates back to well before the Space Age, so no one knew enough to nip it in the bud straight off. Also, the Great Wall of China is, well, a giant wall. Being hundreds of miles long, it's understandable people would assume it sticks out like a sore thumb from

The Great Wall of China is built from rocks collected from all over the local landscape – in other words, ones that are

usually the same color as the wall itself. So unless China decides to give the wall a makeover and paint it bright pink, it's going to remain fairly hard to spot from space.

#### 7: Glass is a slow-moving liquid.

Rather than the (magical-sounding) slow drip of centuries, the reason old glass windows aren't perfectly even and clear is because of how they were made.

Until the early-mid 1800s, most window glass was made using a process called the crown method. The glass was blown, flattened, heated and spun, yielding a sheet that was relatively cheap to produce. It was also rippled and thicker in some places than in others.

In other words, the windows looked that way when they were installed, and they look that way now. No downhill liquid flow is involved

#### 6: Mother birds will abandon babies if you touch them.

While this is wrong on several levels, it's not because you touched the bird.

Baby birds usually don't leave the nest until they're ready to fly

As for the scent issue – birds havent gto a very good sense of smell. A few species are an exception, but chances are vastly greater that the little chirping ball of fluff won't suffer if you need to move it to the other side of the fence from where your dog plays. Plus, its parents have invested way too much time and energy raising it to just scoot off at the first opportunity, no matter how the little guy smells.

#### 5: Different parts of your tongue detect different tastes.

Lots of people think different parts of the tongue are finetuned to detect different tastes.

This "fact" was the prevailing notion for a very long time. It has persisted in spite of millions of kids in health class insisting that the wooden spoon just tastes like wooden spoon, no matter how they lick it.

More recently, however, we've found out that the whole zones theory was made up!

It turns out people can sense different tastes all over their tongues. There are a few outliers, but for most people it wont make a difference on which side you eat that sour

#### 4: People thought the world was flat before columbus.

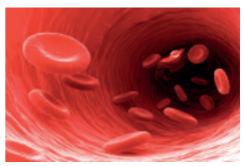


The idea that Columbus was endeavoring to attempt the unimaginable, defy all existing scientific precedent and become an international celebrity for not toppling off the world is false.

People have known since age of the Greeks that they lived on a great, big globe. There were lots of obvious clues, like the way ships sailed over the horizon.

There were many objections to Columbus' plan to reach the East Indies via a somewhat novel route, but a tragic (and expensive) plunge into the abyss wasn't one of them

#### 3: Deoxygenated Blood Is Blue



Everybody has veins snaking up and down their bodies, and those veins are blue. So it stands to reason that whatever magical and mysterious substance courses through those veins (all right, fine, it's just boring, old blood) is, as a matter of course, blue.

Your veins are blue thanks to a trick of the light, not the color of what's inside them.

### 2: Chameleons Change Color to Blend in with Surroundings.



False!

Continuously changing colours, unlike what many people believe, usually doesn't have a thing to do with blending into their surroundings. It hinges on the particular species, of course, but they're usually pretty well camouflaged to begin with. If they need to visually merge into the background, they can just stick with their normal coloration.

Instead, chameleon color-changing is typically triggered by physical, physiological and emotional changes. If they're feeling fussy, say angry or afraid or combative, they'll change colors using their chromatophores. They'll also change colors as a way of communicating in various manners (insert romantic music here) and to pick a fight with a competitor.

### 1: Humans Have Five Senses

We hear what you're saying. We see your point of view. We feel your pain. Also, you smell bad and possibly taste funny, the latter of which we don't intend to test.

There are lots more, too, although the lists vary and the final number-of-senses tally is in great dispute. There are several boring ones that your body does without you knowing it. So let's skip those. More interesting is proprioception, which helps you pass the "close your eyes and touch your nose" test. Basically, it's what lets two parts of your body connect without visual confirmation.

If you're (successfully) rubbing your eyes in disbelief, you used proprioception to do it. If you accidently smacked yourself in the forehead instead, you experienced a proprioception fail.

Apart from those, hunger and thirst can count according to some, as can feelings of hot and cold. Itch, interestingly, is apparently independent from both touch and pain.

# Cartoon Caption Contest



Each month, we provide a cartoon in need of a caption. You, the reader, submit your caption below and we will choose a winning caption which will be printed in next month's issue.

The winner will also receive a prize of £25 which will be sent by postal order. Good Luck!

Please send your caption with your name, number and prison to:

Cartoon Caption Jail Mail Po Box 10419 Nottingham NG2 9QF

Alternatively email us: caption@jailmail.co.uk

### **ANSWERS**

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Test Your Knowledge Answers

1. 15 Years
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3. Charles M. Schulz
4. Oxford Street
5. Charles M. Schulz
5. Ubba Shakespeare (in 1964)
6. William Shakespeare (in 1964)
8. Signs and symbols
1. by
8. Lys
9. Lys
1. Oxford Street Station
1. Street Station
1. Street Station

If you would like to contribute anything for inclusion in the newspaper, such as your own artwork, poems, cartoons or your own made crosswords or word searches, please send these to us and we would be happy to include these in future editions.

We also welcome your feedback and suggestions for future publications, if there is anything you would like us to include please do get in touch.

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- **Prison Law Consultants advise on preventing Parole Board delays**
- **Prison Ombudsman report on maintaining family ties**
- **Tougher Sentences Criminal Justice & Courts bill**
- Rebecca Broadbent on the importance of the Criminal **Cases Review Commission**
- Win £25 in our Caption Competition plus more!

IN THIS EDITION

**Edition no.2** 

**November 2014** 

### **Your Say**

As promised we print your letters, outlining your own personal concerns & your positive experiences

### **A-Z**

Your new personal guide to **Categorisation in prison** 

### **Psychology & the**

### Law

**Experts David Parker and** Dr Ruth Tully answer your questions

### Think you're tough?!

November's brand new full centre page fitness pull-out. **Enjoy!** 

Tel: 0115 9860983

# BILL OF RIGHTS OR WRONGS? Government plans to remove Human Rights and how this could directly impact on prisoners' rights

There has been a lot of controversy over the last month after the Conservative party announced its intentions to try and take the UK out of the European Human Rights convention.

The party recently released an eight page paper outlining its plans, the paper states: "We will shortly be publishing a draft of this Bill, to begin a process of engagement and consultation on the best way to achieve our aims.

The key objectives of our new Bill are:

### Repeal Labour's Human Rights Act.

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Put the text of the original Human Rights Convention into primary legislation. There is nothing wrong with that original document, which contains a sensible mix of checks and balances alongside the rights it sets out, and is a laudable statement of the principles for a modern democratic nation. We will not introduce new basic rights through this reform; our aim is to restore common sense, and to

tackle the misuse of the rights contained in the Convention.

Clarify the Convention rights, to reflect a proper balance between rights and responsibilities. This will ensure that they are applied in accordance with the original intentions for the Convention and the mainstream understanding of these rights".

Under the proposals, the Human Rights Act introduced by Labour in 1998 to enshrine the European Convention on Human Rights in domestic law would be scrapped.

The text of the convention will remain law in the UK because it would be included in a new act of parliament, called

the Bill of Rights, but it would also remove some existing rights.

Since 1966 people of Britain have enjoyed a right to take the British Government to the Human Rights court in Strasbourg, a right which would be lost under the new proposals.

The new plans would also allow the adverse rulings from the Human Rights court, but only if parliament agreed with them. Whereas at the moment member states are bound by all court

How does this affect those serving in custody?

At the moment prisoners enjoy a number of rights protected by the European Convention.

> As you will be aware it was the European court of Human Rights that ruled that the UK ban on prisoners voting was unlawful.

> > TURN TO PAGE 3

Free 2015 calendar for every reader ! Please see page 28 for further details



Our team of over 25 specialist advisors have a wealth of experience to offer you including:

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- Independent Adjudications
- Governor Adjudications
- Challenge of MDT's
- HDC "Tagging"
- Transfer
- Judicial Review
- Tariff Representations
- Criminal Appeals & CCRC
  - Police Interviews



The National Prison Newspaper is delivered to establishments throughout England, Wales & Scotland.

We try to provide a voice for all our readers, therefore if you would like to get in touch in relation to any matters that are important to you, we urge you to contact us.

Please feel free to write to us at:

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Jail Mail, whilst delivered free of charge to prisons and visitor centres, is also available by subscription for an annual fee of £20 + postage.

We are currently working on a digital version, specifically optimized for smart phones and tablets for those in the community, which will be announced shortly.

In the meantime, the paper can be viewed online at our website and if you would like further details please visit us at:

www.jailmail.co.uk

Alternatively, we can be contacted by email at: Admin@jailmail.co.uk

We can also be contacted by telephone on: 0845 226 2841

We are pleased to announce that this month we have also delievered to establishments in Scotland and Northern Island- so look out for us!

We look forward to hearing from you and hope that you find the contents not only interesting but helpful and a source of support.

Also, don't forget to request your free 2015 calendar whilst stocks last, please see page 28 for further details.

### Enjoy!

Views expressed in Jail Mail are those of the authors and not necessarily the views held by Jail Mail or its representatives.

### Current Prison Capacity Figures 17/10/2014

Total population	85,541
Male population	81,647
Female population	3,894
Useable Operational Capacity	87.965



#### Editor's note

The first edition distributed last month was receievd with open arms by the Prison service. There was an overwhelming demand for additional copies and we have decided to increase the distribution figures this month to make sure that the paper can reach as many readers as possible.

During the month of October the paper received National media attention after being featured in the Independent, The Times and the Sun newspaper, as well as other publications and having overall nationwide interest.

We were also pleased to receive 1000's of letters from you, the readers, providing positive feedback and ideas which we take seriously to continue to provide information which is relevant to your time in prison and future release and generally articles to keep you in the loop and to help you!

The A-Z on governor adjudications last month seems to have helped a number of prisoners understand the process, those who may be new to the prison system and longer serving prisoners who have been unfortunate enough to receive their first charge.

This month we include a guide on re-categorisation, something which can be a minefield for some. I hope you find this edition as informative as the last and as always we welcome your feedback and input.

I encourage you to take advantage of our question and answer pages and write to us with your concerns, positive or negative, so we can share these with others, who can then offer their own support and input and not just those serving in custody, but officers, professionals, governors and family members as well.

If it is important to you, then it's important to us and anyone else reading this paper.

Each month we will publish your letters, so why not write to us now at:

Your Say Jail Mail Po Box 10419 Nottingham NG2 9QF

Please make sure that you include your name and prison number so we can credit your letter. However, should you wish to remain anonymous please let us know.

If you are a charity, organisation or solicitors' firm and want to contribute to Jail Mail, we would be more than happy to hear from you and any services you can provide to help serving prisoners and their loved ones during their time in custody.

### **Contents** Prison Law Consultants advise on How to avoid Parole Board delays Page 6 **Psychology and the Law** By Ruth Tully & David Parker Page 8 - 9 **A-Z Categorisation of Adult** male offenders Page 10 - 11 Just old news Page 13 Your Say - we print your letters Page 14 Think You're Tough? Centre page fitness pull-out Page 16 - 17 Letters from an innocent man Page 18 Blog of the month By Alex Cavendish Page 19 Prison Ombudsman report on "Maintaining family ties" Page 20 - 21 **Raw Legal Consultancy** Page 22 **Story Book Dads** Page 23 Importance of the CCRC By Rebecca Broadbent Page 25 **HM Inspectorate Report -HMYOI Cookham Wood** Page 26 Tougher sentences - The Criminal Justice and courts bill Page 28 **Outside In** Page 29 **Just for Fun** Page 30 **Cartoon Caption -**Your chance to WIN £25! Page 31 **Prison Phone Limited** Page 32

### **Director and Editor**



Stephen Luke Solicitor

#### FROM PAGE 1

However, under the new changes the Government could choose not to accept that ruling, which at the moment is considered to be a breach of your fundamental rights.

Other rights enforced by serving prisoners, such as Article 6 "Right to a fair hearing", when we saw the introduction of legal representation before prison governors and the beginning of independent adjudications after the European Court of Human Rights, confirmed that charges where prisoners can have days added to their sentence engages Article 6 necessitating radical changes to the disciplinary system and most recently the case of Vinter v UK (2013) when the Grand Chamber of the ECtHR decided that whole life tariffs, where there is no prospect of release are a breach of Article 3 of the Convention.

Many prisoners have also relied upon Article 8: "The right to respect for private and family life, home and correspondence", where the ECtHR ruled that the direct interference and "routine checking" of prisoners' correspondence was a direct violation of the Article 8.

Many of those in custody have also relied on this right to be moved closer to home and maintain family ties.

These are just a few examples of how the HRA 1998 has protected and enforced prisoners' rights whilst serving in custody since its introduction.

It is no secret that some members of the public and the government would like to see prisoners' rights restricted and removing Britain from the EU is one way for the Government to decide which rights should and shouldn't be enforced.

Whether this is a move that suceeds, time can only tell but the full Bill of Rights is due to be disclosed before the end of the year and Jail Mail will certianly be keeping you up to date with all developments.

We welcome your views on the proposed changes.

Contact us with your comments, whether positive or negative, which we will be happy to include in next month's edition.

### <u>District Judges to increase adjudication</u> <u>punishments from January 2015</u>

New increased sentences for independent adjudications are due to come into force from January 2015 a source has revealed

Currently, those determinate sentence prisoners who face the independent adjudicator can receive a maximum punishment of 42 additional days, as well as other punishments deemed suitably fit, such as stoppage or deduction of earnings, cellular confinement (not exceeding 21 days) and forfeiture of privileges.

However behind closed doors, plans are being put into place to increase punishments and a new sentencing guide is currently being finalised.

The guide which is currently at the consultation stage with officials, appears to be welcomed by District Judges, one

of whom said that it will act as a further deterrent for those repeat offenders.

The changes come in a bid to crack down on the reported significant increase in adjudications being referred to the District Judge as a result of the rise of drugs and violence related offences in custody.

It is not yet known whether governor powers will be also be increased, however some establishments are struggling to cope with the rise of breaches of discipline, with some prisons referring over 50 cases to the Independent adjudicator every 3 weeks.

However, whilst a small majority of governors already allow legal representation before them, with additional powers, comes the increased need for prisoners to have legal representation at governor level

### President of PGA warns of prison instability due to staff shortages



Prison governors are doing what they can, with limited resources to make a safe environment for offenders and staff during this difficult time

Eoin McLennan-Murray, president of the Prison Governors' Association, has warned that due to staff shortages and increasing numbers of violence, prisons across England and Wales are being driven towards instability.

Mr McLennan-Murray said that governors had "the deepest concern" about what was currently happening to the prison service and were "hanging on by the skin of their teeth ... running a semblance of a regime in some of our prisons".

Mr McLennan-Murray at the PGA on Tuesday 14 October, in his address, dismissed claims by the justice secretary, Chris Grayling, that although jails faced pressures they did not amount to a crisis.

He said that during his 36 years in the Prison Service, he had never witnessed a situation "as challenging, tough and difficult and as bad as it is now.

"Prisons are moving towards and tending to instability. The only thing that will stop that is if we get staff back into our prisons and normalise our regimes. It seems to be there's a race now on. That race is: can we get sufficient staff into our prisons before we reach tipping point?" McLennan-Murray said at the PGA annual conference. "I don't know how we can reverse the situation. It is a worrying time."

This follows a number of recent damning reports by Nick Hardwick, the chief inspector of prisons who revealed staff shortages and a rise

in violence amongst a record high prison population of over 87,000.

Drastic measures have been taken to supply officers from one part of the country to another on detached duty at an increased cost of £500 a week, including accommodation in the south of England.

Reports have detailed a number of changes that need to be made, specifically to some prisons which have been called "unsafe" for both prisoners and staff.

Due to such independent and damning reports, there have been rumours that Chris Grayling, the Justice Minister, wanted Hardwick out following the series of damning inspection reports, since he was appointed in 2010. Hardwick's predecessors had often been critical, whereas the majority of recent inspections by him have been damning.

Despite the repeated warnings by the chief inspector, Grayling has remained adamant that there is no crisis and that overcrowding remains below the levels under the last government.

Mr McLennan-Murray said "We see prisoner-on-prisoner assaults at record levels. Staff assaults at a rate which is higher than ever before. There's an escalation in the number of incidents. National resources are called out on a regular basis. I don't know how they manage to sleep, they are on the road so much."

"Disturbingly, we've had a notable increase in self-inflicted deaths. They petered out at the back end of summer but regretfully they have picked up again."

"I have never known the service in that state before. It is a very serious situation."

The Prison Governors' Association has declared it "impossible for some jails to run a safe, decent regime".

An example of how the cuts are affecting the service can be seen after firefighters were called to a blaze in a cell at HMP Swaleside on Saturday 11 October.

A recent report published found staff vacancies were affecting every area of the prison and officers had been shipped in

from different areas to man the wings.

Research by the Howard League for Penal Reform show that the number of prison officers in Swaleside was cut by 25% in almost four years – from 265 in August 2010 to 200 in June 2014.

It comes less than a fortnight after an officer was slashed across the face with a blade after a series of "small fires" were started at the site in Brabazon Road, Eastchurch.

The Home Office immediately responded by dispatching its specialist Tornado unit after the incident occurred at 5:30 on 3rd October.



Upon arrival, inmates were confined until the situation was brought under control.

A spokeswoman for the Ministry of Justice said "Two prisoners gained access to internal netting in an isolated incident. A prison officer was injured and taken to hospital with facial injuries. He was discharged within a couple of hours." But she said the incident was over before 11pm with both prisoners moved and no further injuries reported.

However, the current "crisis" in the system is not entirely the fault of Chris Grayling.

The cuts imposed by the Treasury have led to a 30% reduction in prison staff, resulting in an increase in violence. self-harm and suicide.

Grayling insists there is no crisis, he said earlier this year "We've got challenges from an increased population that was not expected in the last 12 months" "We are meeting those challenges, we are recruiting more staff – but I'm absolutely clear there is not a crisis in our prisons"

### Sleepover at new women's prison HMP Inverclyde

Mums in custody could be allowed sleepovers with their children at a new £60 million women's prison in Greenock.

The controversial proposals are currently being considered by officials who believe

the move, if backed by Government ministers, would reduce the likelihood of re-offending and help future resettlement.

The plans explain that children of jailed mothers could spend a whole weekend in the prison in a bid to help maintain normal family ties.

Specially designed flats at the replacement jail would allow prisoners to enjoy the overnight visits, whereas at present it is only mums with babies who are allowed to stay together.

The 350-cell HMP Inverclyde will replace current Cornton Vale women's prison in Stirling.

Professor Nancy Loucks, of the charity Families Outside spoke out about the plans and said: "The UK as a whole has been behind other countries on this.

Other countries such as Norway and



Canada have been known to already provide similar resettlement schemes. "For children, having the quality time, having the extended contact with the parent, is incredibly important in restoring that family unit."

Critics however fear that relaxing visiting arrangements could pave the way for overnight visits by husbands and partners

or future unauthorised visitors.

SPS chief executive Colin Mc-Connell has already confirmed that such arrangements are "a possibility" at the new establishment which should open in 2017.

HMP Inverclyde prison was originally planned as a replacement for Gateside Prison, also in Greenock, but Justice Secretary

Kenny MacAskill said the alternative use was part of a major shake-up in the way female

prisoners are treated.

### Police fakers caught in the line of duty

Two Romanian men, 50-year-old Gabriel Pana, and 38-year-old Alexandru Tudor have been sentenced to jail for 2 years four months at Woolwich Crown Court on Friday 10 October following a guilty plea of conspir-

The two men impersonated police officers across London on four occasions, presenting fake identification to unsuspecting members of the public before requesting they hand over their wallets or purses, which they claimed they needed to search, following which the pair then took money or credit cards from their victims

CCTV recorded the fakers which later secured the convictions. The thefts took place between 27 November 2013 and 7 July 2014 in Southwark, Kensington and Chelsea and Camden

On 7 March the duo stole £270 and 750 euros from a 27-year-old woman and a week later stole 200 euros from a trusting 32-year-old woman. In one incident the victim was coerced into handing over her credit card and disclosing her pin number as she did not have any

Superintendent Andrew Johnstone commented, "This is the second conviction the Roads and Transport Policing Command have secured" " and demonstrates our commitment to tackling this type of crime".

### Plans to build Europe's biggest children's prison are challenged



Experts call for a new proposed children's prison to be scrapped amid fears that vulnerable children will be placed behind bars which could increase risk of re-offending.

Concerns have been raised that housing young children with older teenagers can present serious safeguarding risks. Children who have been in trouble with the law are at their most vulnerable, many of who have been the victim of years of neglect and abuse.

The Government plan to spend £85 million of public money for the project which will include a Government intends to create a small network of "secure colleges".

The Government has said that putting a large number of youth offenders into small dedicated centres in England and Wales will significantly reduce the £100,000 current average cost of a place in youth custody.

Experts continue to argue that the funds allocated for the project would be better spent on resources to help rehabilitation and children's future planning.

Experts say that "family-like" secure homes which can focus on rehabilitation are ideal for helping children to start afresh and turn their lives around as they can tailor for their exact individual needs.

Young offenders can be introduced to substance misuse and violence in prison establishments which is evident from the local IMB reports, especially the concerns recently raised by inspectors who branded Young Offenders Institute Glen Parva as "unsafe."

Paola Uccellari, Director of Crae, has previously spoken out and said "We are concerned that warehousing children in Europe's biggest child prison will significantly increase the risks

of self-harm and deaths in custody. The evidence shows that size matters: smaller institutions are better at caring for children and keeping children safe than large prisons.

The secure college 'pathfinder' is an expensive experiment, which will place children at risk."

Construction of a 320-bed, "pathfinder" secure college is due to begin next year, on land next to Glen Parva prison, Leicestershire.

The Howard League for Penal Reform has published its view on the The Criminal Justice and Courts Bill (the Bill) which legislates for the introduction of secure colleges as a form of youth detention.

"There is a lack of detail in the legislation about how secure colleges would

As a result, parliamentarians are being asked to sign up to a proposal about which there is lack of clarity.

The Bill does not, for example, specify

the extent of the education and other services, which children in these institutions can expect.

While some detail must be left to secondary legislation, the primary legislation should set out the minimum requirements for the operation of secure colleges, and the parameters within which those private companies who will run secure colleges must operate.

This is particularly important given that the Secure College Rules the secondary legislation in which a lot of the detail will later be found – will not be published until after enactment.

What we do know about the plans for secure colleges raises serious concerns about how children will be cared for and kept safe.

We believe the secure college model is fundamentally flawed: large institutions with a very varied population are not the answer to reducing costs in youth justice.

For these reasons, we cannot support the plans for secure colleges.

# Plans for new limitations for time spent on police bail to be considered

Limits could be placed on the time people can spend on police bail in England and Wales, the Home Secretary has said.

Research by BBC Radio 5live have revealed figures from 40 different police forces that there are currently 71,526 people on bail.

Police figures also show that there are at this time, just under 5,500 people who have been on police bail for a period of at least 6 months. Whilst the longest period of bail had been for a total of 3 ½ years.

Theresa May has announced that following widespread concern about the treatment of some innocent suspects, the Home Office will hold a consultation to bring a proposed limit to time spent on police bail and will instruct the College of Policing to work on new plans for a time limit within which charges must either be brought or all allegations dropped.

Mrs May spoke out at the College of Policing conference in Coventry on Wednesday 15 October



Theresa May

and said "I am pleased that the College is developing evidence based guidance to bring consistency, transparency and rigour to the way in which pre-charge bail is used in criminal investigations."

"You have consulted on the operational guidance and will publish your findings shortly."

"But in parallel we must also look at statutory time limits on the use of pre-charge bail to prevent people spending months or even years on bail only for no charges to be brought."

At the moment police have powers to hold a suspect for twenty four hours after arrest for further questioning. However, in practice, they stop the "custody clock" by releasing the person on pre-charge bail to return for a further interview at a later time.

Police officers have the power, without consulting a court, to impose stringent bail conditions such as curfews, passport surrender and even restrictions on who a person can contact and speak to.

The consultation comes about after high profile cases such as Jim Davidson and Paul Gambaccini – who were both on bail for months at a time but never charged.

Gambaccini spent a year on bail, which he described as "12 months of trauma" before being told last week he would not be prosecuted over historic sex abuse allegations.

He said: "If my ordeal can help prevent other people from suffering a similar fate, it will have been worthwhile."

"This is why I respond to Theresa May's initiative with enthusiasm. I hope it leads to change that will prevent future injustices." Comedian Jim Davidson was on bail for a period of eight months before being told he would not face charges over alleged sex offences in the UK but last year he said he had "no complaints" about the police.

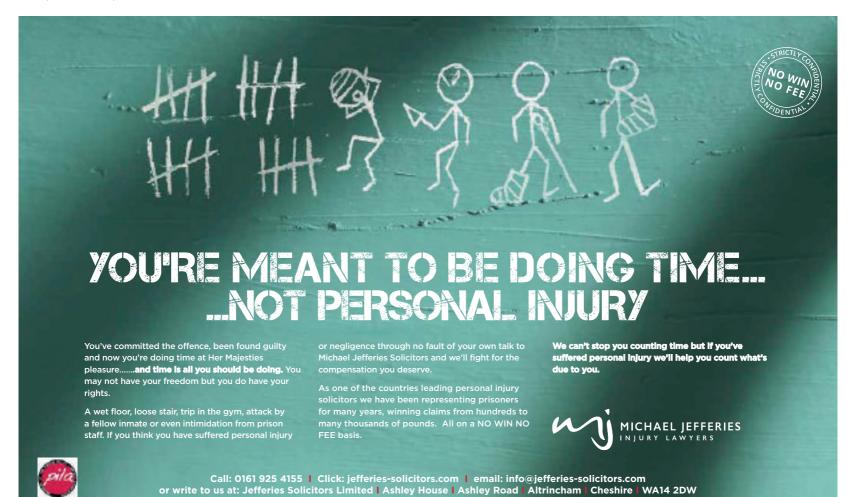
Former Times journalist, Patrick Foster who spent 24 months on bail due to allegations of hacking the email of a police blogger has said "You are unemployable, you can't work to earn money, but at the same time you have to meet substantial legal costs." Ultimately his life was placed on hold.

Liberty Human rights group has asked for a six-month statutory limit to be imposed for those on pre-charge bail.

The group suggested it is the only effective way of ensuring "justice for victims and suspects."

What have your experiences been?. How long were you placed on bail and how did this affect your daily life?

Do you think the new proposals are a good idea? Contact us to have your say!



# Parole Board delays & what you can do to avoid them

By Stephen Luke- Solicitor & Director - Prison Law Consultants

Whether you are in closed or open conditions, or have good or bad recommendations in your parole dossier, what everyone has in common is that whilst your reports may have been completed in line with your target date, there are still considerable delays by the Parole Board to list your case.

Some are lucky and manage to get an oral hearing listed sooner rather than later if another previously listed case has been deferred, but for the majority of you this is now a waiting game and when you do finally get your case listed, what is there to say that it won't be deferred, or adjourned part heard as reports will now be out of date!

For those in open conditions, the silver lining is that you should be able to continue to work out 5 days a week and continue to test your resettlement plan by taking extra home leaves, a stringent requirement by any Parole Board.

This is extremely important as I have been before 100's of panels in the past where some have said that a minimum of 3 home leaves is required to be sufficiently tested and most recently one panel suggested that a minimum of 9 home leaves was a necessary requirement before directing release!

Don't get me wrong, the amount of testing is of course dependent upon the individual's specific circumstances, such as their offence, previous history and whether there are any previous breaches of licence, but what seems to be a continuing trend is the need for longer periods of testing in the community than used to be necessary before a panel will even consider letting you out those gates.

The test now applied by the board for release is whether it is "necessary for the protection of the public" that you remain detained.

Those of you waiting in closed conditions with no further work to complete are generally treading water and biding your time just waiting for that letter telling you that your case has finally been listed.

But what can you or your legal representative do to try and minimise the delays?

It all starts at the Intensive Case Management stage (ICM). For those of you who are not familiar with this stage, before your case can be considered by an oral panel of the Parole Board, you will have your case considered on the papers by one Parole Board member.

The job of that member is to read through your dossier and decide whether you should be referred for an oral hearing or whether your case can be concluded on the papers (due to no prospects of success) until your next review which can be from anything between 12 – 24 months away. You are entitled and invited to submit representations and I would urge you to do so at this time.

It is extremely important at that stage that you discuss your reports with your solicitor and decide what will be needed to make a successful application for open conditions or release at an oral hearing.

<u>You will need to consider</u>, if all the information in the dossier is correct, whether you will need additional reports to be directed, witness requirements and whether you need to instruct an independent expert, such as a psychologist or psychiatrist to complete their own report and whether they will need to attend your hearing.

One example I can give is, if you have received your dossier and there is a security report with numerous security entries (which is more common than you think) none of which have ever been brought to your attention. You are surprised as you have never had an IEP warning or adjudication but the reports seem to suggest you are either involved in the drug culture, or making threats towards officers etc.

You will need to address this report in your representations. You should direct that all information, such as the SIR evaluation codes are disclosed (these say how reliable the entries are) which range from an officer witnessing an incident to a 3rd or 4th party suggesting something may have happened at some point with no further details and possibly completely unreliable.

You should be asking the ICM member to direct thatthe security governor attend as a witness if no further information is provided.

If the prison refuse to provide any details, the information should not be relied upon and should be removed from the dossier before it is handed to a new fresh panel of the board who will then have no knowledge of any prior security concerns which can be the difference between progression or not.

Whilst there is not an ICM process for recalls or determinate sentence prisoners, there is still a paper review and all this still applies to you.

Write to us at:

Prison Law Consultants 1 Arkwright Street Nottingham NG2 2JR

Or telephone: 0115 9578878

(Please quote "SJL" on all correspondence)

If you attended an oral hearing without the outstanding information this could lead to a deferral on the day depending upon the seriousness of the allegations.

If you are able to get the directions which are important to your case, you will also get deadline dates for disclosure of the information requested which reduces the chances of your hearing being deferred due to a lack of information.

For example, if you turn up to your oral hearing without a directed updated Offender Supervisors report or without a directed risk management plan with details of a place at an approved premise, it is likely, depending upon what you are seeking, your case would be deferred for at least another 3 months through no fault of your own.

It is common sense that these reports should be completed as a matter of course but due to ever mounting pressures and staff shortages and forever changing probation officers, it is now a common occurrence for you to attend your hearing only to be met by a new probation officer who knows nothing about your case! Again further reasons to defer to allow them to get to know you, assess your risk and complete a full report for consideration in 3 – 6 months' time.

Even if you are in closed conditions with further work to complete and no positive recommendations for release or open conditions, you still need to make sure that all information is correct and fight your corner, as what is documented at this review will be read by future panels down the line and if an assessment of risk is incorrect or you are not properly represented this could cause delays in the future.

You may have seen that I was featured in the national press this month due to helping those who have experienced delays claim compensation, something which a lot of people do not agree with.

However, I truly believe that if your case has been delayed past your target date which has therefore affected your release date or future progression, the court has determined that you deserve to be compensated for those delays.

Your liberty is at stake, you have a right to the enjoyment of life and whilst you sit in prison waiting for your day before the parole board which has been delayed through no fault of your own, there are procedures in place to make sure you are compensated for those delays, money which can make a huge difference to your resettlement and your future success. Many leave prison with a £46 grant. If you have been subject to delays you could leave with £1000's.

Make sure that you contact a solicitor as soon as possible when your parole starts.

If you require any guidance or specific advice about your case or you may have just had a hearing and want advice for a future review, you can contact me or my team.



PRISON LAW CONSULTANTS

JUSTICE FOR ALL

# Drug Kingpin jailed for 18 years

Cocaine kingpin, Mark Johnston has been found guilty of drugs conspiracy charges and been jailed for 18 years after facing Judge John Evans, at Newcastle Crown Court, who said:

"The evidence clearly establishes you were a major player in the North East cocaine trade."

"This was drug dealing at a very professional level and the fact that you resumed dealing having been arrested is a measure of your arrogance and your belief you could get away with it."

"That arrogance has been your undoing."

The Judge said that Johnston had gone to extraordinary lengths to avoid detection and had accomplices place a tracking device on an unmarked police car.

He said, "It's a feature of this case that you were someone who took every precaution to make sure you were distanced as far as possible from the drugs themselves."

"The police also saw two of your gang attaching a tracker device to the police car, but they were able to turn that against you."

"You were using decoys and sophisticated means to avoid detection."

"You thought you had devised a fool-proof means of taking possession of high purity cocaine, using the geographically ideal location of Wylam, linked by cycle path to Hebburn, to bring drugs into the city." The court heard evidence that Johnston had been bringing large amounts of cocaine into the North East from underworld contacts in the Midlands and there had been at least ten trips from there as well as others from Liverpool.

On March 7 CCTV footage showed him recovering a white carrier bag from his garden shed and a similar bag from under a manhole cover in front of his patio, which is thought to have been money to pay for the illegal substances.

He was then seen the next day dropping off a gang member in his Range Rover, after which he left whilst others bought rubber gloves, scales and tupperware boxes from Tesco

They then headed in convoy to a meeting in Gosforth.

Police have been monitoring their every move and then struck to find 1.5 kilos of high grade cocaine, worth around £629.000.



Thousands of pounds found in cash



Hide out used by drug Kingpin

Shortly afterwards a further £400,000 of cocaine was found at another address in Newburn.

Approximately six months later, Johnston was on bail when police turned up at his home to return property previously seized after his arrest in March 2013.

Johnston had recognised the unmarked police car, as one which had been following him previously.

Therefore whilst officers were inside the property, he instructed two associates to place the tracking device underneath the police car.

Prosecutor Tim Gittins said: "From a search underneath their vehicle that day, it quickly became apparent to the police that they had placed a tracker device there."

"Later checks revealed they had activated it by a remote website and thereafter regularly checked it by mobile telephone." "Police determined they would use their vehicle as something of a decoy to see what the defendants did about it"

In September, members of Johnston's gang were sent to check that the police car was where the tracker said it should be, unbeknown that the police had left the car as a decoy in a supermarket car park.

Once the tracker had been checked, and a further drugs' transaction had been given the "go ahead", police who were still monitoring the gang moved in to recover a further kilo of high purity cocaine, worth an estimated £500.000 street value"

DCI Paul Milner, of the Northumbria Organised Crime Department, said: "Johnston was at the head of an organised crime group involved in drug supply across Newcastle and while the city has no more of a problem with drugs than any other city of its size, this is the response those involved can expect."

"The main ring leader will now spend a considerable amount of time in prison and an organised crime groups activity has been significantly disrupted."

Remaining gang members are due to appear before the court next month.

# An Inspector calls - Unannounced visit at HMP Altcourse



A recent HM Inspectorate of Prisons carried out on HMP Altcourse has raised concerns over the rise of "psychoactive substances".

Nick Hardwick, chief inspector of prisons, said gang-fuelled drug abuse at Altcourse prison in Liverpool is rife, especially of so-called legal highs such as "Black Mamba" and "Spice".

The unannounced inspection at the Fazakerley prison in June of this year concluded that despite concerns, the prison was still providing inmates with good training, work and education, although prisoners said "they felt safe and the prison seemed calm, levels of assaults against prisoners and staff, bullying incidents and fights were high and rising sharply".

Inspectors found the prison was "overcrowded and many cells designed for one or two held an

additional prisoner" and said "little had been done to address the disproportionate number of young adults involved in violent incidents" and that there was "little support for victims" and a "failure to take prompt, firm action against perpetrators".

Large numbers of mobile telephones were being found in searches, along with packages of other contraband. The report confirmed that "In the previous six months, the prison had retrieved over 130 mobile phones and 98 parcels."

G4S's managing director for custodial and

detention services Jerry Petherick has spoken out and said the prison was "managing a challenging population which is increasingly prone to violence".

"Reducing violence is our top priority and action is being taken in line with the recommendations from the report.

"The exceptional relationship between staff and prisoners, as highlighted by the report, is a great strength and will support these plans"

Chief Inspector of Prisons Nick Hardwick said "The prison needs to ensure it does this without damaging its longstanding strengths of positive relationships and good purposeful activity, which are critical if prisoners are to leave with decent opportunities"

The chief executive of NOMS, Michael Spurr, said the organisation would "monitor progress closely to ensure that the necessary improvements are achieved".

# National Praise for "Hidden Sentence" Scheme to help children

We covered a story in last month's edition about the need for further specialist support for children who have parents in prison after concerns were raised by Shadow Justice Secretary Sadiq Khan.

We can report that the Stoke-on-Trent Safeguarding Children Board has overseen a 'Hidden Sentence' scheme which has received national praise by charity Barnado's.

It is estimated that seven percent of school children have a parent in custody. The welcomed project which identifies and supports affected youngsters has involved training multi agency staff who then work alongside teachers and other professionals who come into daily contact with children.

It comes as increased statistics show that more children in the UK are now affected by the imprisonment of a parent than experience divorce.

# Psychology and the Law: By Dr Ruth Tully and David Parker



Welcome to the second 'Psychology and the Law' column written exclusively in JailMail.

Our experienced professionals will give monthly insight into research, legal and practical developments, whilst also being very happy to answer any related questions.

You can contact our experts through JailMail by emailing or writing to us at the following address:

askanexpert@jailmail.co.uk

Ask an Expert Jail Mail PO Box 10419 Nottingham NG2 9QF

### Our experts:

<u>Dr Ruth Tully</u> is a Consultant Registered Forensic Psychologist and will each month provide a Psychologist's view on developing areas of forensic psychology.

She will answer some of your questions, give information and provide clarity on issues that give rise to commonly misunderstood topics such as psychopathy.

<u>David Parker</u> is an experienced Solicitor, Partner and Head of the Prison Law department at Carringtons Solicitors, the largest provider of Prison Law advice in England and Wales.

He is a regular advocate before the Parole Board and will answer any legal queries and explain in context what practical steps may be taken to protect your interest and advance your case.

This month Ruth will explain necessary minimum standards of qualification and training that Health and Care Professions Council (HCPC) Registered Forensic Psychologists must achieve in order to legally practice, and she will answer your specifically related question.

Jail Mail received many questions focused on the expertise (or considered lack of) held by 'Trainee Forensic Psychologists' and 'Forensic Psychologists in Training'.

Ruth will explain the academic and practice achievements that a Forensic Psychologist must

have achieved prior to Registration with the HCPC, and she will then answer one of the many questions that was sent to us that represents a big theme in the letters we received, outlining your concerns this month.

### Registered Forensic Psychologists: Training and Governance

The HCPC report that on 1st October 2014 there were more than 20,000 Psychologists registered with them. That route to registration as a **HCPC Registered Forensic Psychologist** is complicated and varied.

In order to register to practice, a person must complete a qualification that is approved by the HCPC as meeting the Standards of Proficiency for Practitioner Psychologists.

For Forensic Psychology, the only route to qualify used to be a **Diploma/Qualification in Forensic Psychology** awarded by the **British Psychological Society** (BPS).

This required an approved undergraduate degree, then completion of a further academic component that involved either an approved Masters (usually MSc) in forensic psychology or the BPS equivalent (this was 'Stage 1') of training.

The next stage of training, 'Stage 2' involved at least 2 years of supervised practice, when the trainee was required to evidence competency in 4 'core roles'.

This is similar to an apprenticeship scheme; completing the work of a Forensic Psychologist <u>under the supervision</u> of a **registered** Psychologist; developing and demonstrating competency whilst fulfilling a job role.

Once these are completed successfully, the person is allowed to apply to the HCPC to become registered. They can also apply for BPS Chartered status and Full Member of the Division of Forensic Psychology.

Most prison Trainee Psychologists are following this route to registration. In the past, trainees referred to 'Chartership' as the ultimate aim of training; this was because before the HCPC governed, the BPS governed, and they provided the only route to practice as a Forensic Psychologist.

Now that the HCPC govern this is not the case. The BPS route to 'Chartership', and the 'Qualification in Forensic Psychology' is now a route to HCPC registration. Additionally it is now not the only route to HCPC Registration or indeed Chartered status.

Over the past few years, **Doctoral level programmes delivered by Universities** that are **approved by the HCPC** as a route to register as a Forensic Psychologist were developed. Most of these programmes are **also approved by the BPS** to allow the person to apply for

Chartership and Full Membership of the Division of Forensic Psychology, but remember it is the HCPC registration that allows the person to practice.

Currently the Universities of Birmingham, Nottingham and Cardiff (Metropolitan) are the only providers of these Doctoral level programmes.

These programmes require rigorous academic and practical assessments, including written work, evaluation of practice placements and oral examinations.

The candidates complete placements in various settings and with various client groups under supervision, in order to equip them to work with clients in different areas once qualified.

They are awarded a Doctorate qualification (e.g. DForenPsy), and they can apply to register with the HCPC.

#### In summary:

- The BPS previously provided the only route to become a Forensic Psychologist, and this required postgraduate study and supervised practice.
- Now some of the UK's top Universities deliver Doctoral level training that is approved by the HCPC
- Most prison trainee Psychologists study via the old BPS route, but (more rarely) you may come across a Doctoral trainee who is practicing on a placement in a prison, or who works in the prison.
- Importantly, any trainees who are working on any of these routes should identify themselves as 'in Training' or as a 'Trainee' and they are required to be under the supervision of a HCPC Registered Psychologist.
- The HCPC is the governing body of all Forensic Psychologists, and is the body that a formal complaint about the practice of a psychologist should be sent to, should a person wish to complain.

### Next time in Psychology and the Law:

What is risk and how is it assessed by psychologists?

David and Ruth will also be answering more of your questions about issues that drectly affect you!

To contact our experts, please wrote to Jail Mail at the address below, quoting "Ask and Expert".

Ruth and David's views are their own and do not represent any organisation.

To have your questions answered by one of our experts, please email us at: <a href="mailto:askanexpert@jailmail.co.uk">askanexpert@jailmail.co.uk</a>

Alternatively, write with your name, prison number and location to:

Ask an Expert, Jail Mail, PO Box 10419, Nottingham, NG2 9QF



# Question

A trainee psychologist wrote my parole report and I wanted a qualified psychologist to write my report. I don't understand the difference but what can I do?

Name Supplied - HMP Littlehey

## **Answer**

### Dr Ruth Tully answers:

Unfortunately there is little you can do. NOMS allocate the work to those who are considered able to complete it competently within necessary timescales.

It is often the case within prisons that there are more trainees than registered Psychologists and so often they are given tasks to complete such as your important parole reports.

You can however be reassured that the trainee was working under the supervision of a registered Forensic Psychologist with whom they must discuss your case in order to consider all of the issues and reach agreed recommendations. Sometimes a trainee may have more than one supervisor; one designated to them to supervise that particular report, and one who co-ordinates their training and generally oversees their practice.

This helps the trainee to write a comprehensive and balanced report. If you still have concerns you can speak to the writer of the report or request to speak to their supervisor.

Additionally there are prison complaints procedures, however in the first instance I recommend you speak to the report writer who will be able to explain how the report has been supervised and conclusions drawn.

It is often the case that even though the report writer is a trainee, they have years of experience working in prisons and writing parole reports.

If you have had your parole report written already, the best thing to do depends on why you are unhappy with the situation; e.g. if you don't agree with the recommendation, if the facts in the report are incorrect, if facts and opinions are not clearly distinguished, or if you think that the assessor has breached ethical codes of conduct.

If you are unsure you can seek advice from your Solicitor, because in many cases funding can be secured for an independent psychological assessment to be conducted by an expert registered Psychologist who is not part of the prison system.

# Question

Following my recent Parole Board hearing, the Panel recommended that I return to open conditions despite me absconding previously.

The Secretary of State (SOS) is taking an age to agree with their recommendation and I fear he will refuse to accept the recommendation. That will leave me languishing in closed conditions with nothing else to achieve on my sentence plan.

I have been in Prison now for more than 20 years – way beyond my tariff. At this rate I'll never get out. Is there any suggested action I could take to force the SOS to agree to the recommendation?

Mr Y - HMP Whatton

### **Answer**

#### David Parker answers:

You will be aware that NOMS have issued Consolidated Interim Instructions in this regard dictating that you are presumed unsuitable to return to open conditions unless exceptional circumstances exist.

The key to your question is whether the Parole Board (PB) knew about the amended policy when they applied your circumstances to their decision making process. I would expect they did, and with that in mind went on still to consider that your individual circumstances required additional time within the open estate. If however they didn't, then there is a material difference, and the SOS would be on safer ground when refusing to accept their recommendation.

In order to be exceptional, you must be considered to have made significant progress in reducing your risk and that any further abscond is "unlikely".

If the PB have recommended your return to the open estate, having investigated your progress, they must have been convinced that you satisfy both (above) criteria – otherwise they would not have made the recommendation that they

Having met this test you must then meet only 1 of the following;

1. There are compelling reasons why open conditions are necessary given your own individual circumstances. This is probably because you need to resettle in society more gradually (owing to the length of time served); or

2. Open conditions are absolutely necessary in your case. The PB must have considered that they are in your case, otherwise they would have released you; or

# 3. To prevent you returning would be manifestly unfair.

This policy is soon to be amended further. Historically PPCS would reject a recommendation of the PB when it either fails to follow the recommendations of report writers without providing a sufficient explanation, or is based on inaccurate information.

Soon PPCS will also reject a recommendation where they do not consider that there is a wholly persuasive case that the offender has to be placed at this time in open conditions. When PPCS does not consider that there is a wholly persuasive case to place an offender in open conditions, they will ask the Offender Manager to assess whether a placement in the progression regime in closed conditions is a suitable alternative.

There are various steps that I would suggest you take.

Speak to your Solicitor and ensure that contact is made with PPCS (acting on behalf the SOS). You do not say how long you have waited for them to ratify the PB's recommendation, and I would suspect that the delay has exceeded their response deadlines.

The delay of PPCS is open to challenge separately from any challenge about the ultimate decision, although there is a careful balance to be struck. Forcing PPCS to provide a decision may cause a negative reaction. Take advice on this matter from your Solicitor.

If you satisfy the "exceptional" criteria, but PPCS refuse to accept the PB's recommendation, then you would be entitled to pursue the issue to the Administrative Division of the High Court through Judicial Review. Your Prison Law Solicitor will be able to help you with this

To bring an action of this type you must prove to the Court that the decision was irrational, unlawful or procedurally flawed. An alternative would be to show that there has been a failure by PPCS to carry out a duty which it is statutorily required to complete. There is a strict maximum 3 month time period to issue such an action from the date of their ultimate decision, so don't delay.

I would suggest a pro-active approach - Good

Write in to have your questions answered in December's edition.



Dr Ruth Tully is a Consultant Forensic Psychologist. She is Director of **Tully Forensic Psychology Ltd**, which is a private practice that provides independent psychological assessments nationwide. Ruth and her team of Associate Forensic and Clinical Psychologists assess prisoners across the UK, specialising in parole reports.



David Parker is a Solicitor, Partner and Head of the Prison Law department at **Carringtons Solicitors**, the largest provider of Prison Law advice in England and Wales. David has held seat on the Executive Committee of the APL on two occasions. His practice provides a nationwide service, specialising in work with indeterminate sentence prisoners, those recalled to prison and adjudications.

# A - Z Categorisation of adult male offenders

What you need to know By Prison Law Consultants

## 1. What is the purpose of Categorisation?

- 1.1 The purpose of categorisation is to assess the risks posed by a Individual prisoner in terms of:
- likelihood of escape or abscond
- the risk of harm to the public in the event of an escape or abscond
- any control issues that impact on the security and good order of the prison and the safety of those within it.

It will then be the prison's role to assess and assign you to the lowest security category consistent with managing those risks.

Categorisation decisions are individual risk assessments which must be in line with current policy and reached without bias in respect of race, age, religion, nationality, disability, sexual orientation or any other factor irrelevant to the categorisation process.

### 2. Principles of Categorisation

- 2.1 All prisoners must have assigned to them, the lowest security category consistent with managing their needs in terms of security and control and must meet all the criteria of the category for which they are being assessed (i.e. for Category D this will mean that they are low risk of harm, can be reasonably trusted not to abscond and for whom open conditions are appropriate i.e. will usually be within the time to serve limit).
- 2.2 Your security category must never be adjusted to achieve a better match with available spaces within the estate. However, it should be noted that where population pressures exist or where it is in your own best interests (for example, to access or complete an offender behaviour programme), you may be allocated to or retained in a prison of a higher security category than that assigned to you.
- 2.3 Categorisation decisions must be fair, consistent and objective.

### 3. Definition of security categories

3.1 Adult male prisoners may be held in one of four security categories:

### **Category A**

Prisoners whose escape would be highly dangerous to the public or the police or the security of the State and for whom the aim must be to make escape impossible.

### **Category B**

Prisoners for whom the very highest conditions of security are not necessary but for whom escape must be made very difficult.

### **Category C**

Prisoners who cannot be trusted in open conditions but who do not have the resources and will to make a determined escape attempt.

# **Category D**

Prisoners who present a low risk; can reasonably be trusted in open conditions



Photo of HMP Leyhill, D Category prison located in South Gloucestershire

and for whom open conditions are appropriate.

#### 4. How is the review conducted?

- 4.1 Categorisation assessments must be made using the appropriate categorisation forms: the **ICA1** form for initial categorisation and the **RC1** form for recategorisation. These are national forms that support current policy; to ensure a consistency of approach throughout the estate and provide an auditable account of your categorisation assessment.
- 4.2 The forms must not be adapted to suit local requirements. If local forms are used to provide additional information, these may be attached to the national form. A copy of the completed form must be retained in the prisoner's record. The forms must be completed in full, with all relevant issues addressed and explanations given for the decisions made.

### 5. Disclosure

5.1 The categorisation process is an open one and you must be able to understand why you have been placed in a particular category. A copy of the categorisation form must be disclosed to you if you request it.

If you have have difficulty understanding the form, the reasons for the decision must be explained to you verbally.

### **Withholding Information**

Information relevant to the categorisation decision may be withheld from you in certain circumstances:

- (i) in the interests of national security;
- (ii) for the prevention of crime or disorder, including information relevant to prison security;
- (iii) for the protection of a third party who may be put at risk if the information is disclosed;
- (iv) if, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and/or physical health of the prisoner could be impaired;
- (v) where the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim, or would generally prejudice the future supply of such information.
- 5.2 Consideration must be given to disclosing a summary of the information or an edited form that protects the anonymity of the informant.

- 5.3 Where information that impacts on the categorisation decision is withheld from you, the form **must** record that other information has been considered along with a brief description of the type (i.e. SIR).
- 5.4 However, under the Data Protection Act 1998, you are entitled to request a copy of all of your personal data and prison file. The Prison Service however has a statutory duty to disclose such data subject to exemptions. Your file can be requested through internal procedures and will cost a £10 administration fee.

#### 6. Representations

- 6.1 Representations can be compiled and considered prior to your review, however if you are dissatisfied with a categorisation / recategorisation decision you can in the first instance raise your concerns with your personal officer.
- 6.2 If, after discussions you wish to challenge the decision, a complaint can be raised through the request complaints procedure.
- 6.3 In such cases, the categorisation decision must be reviewed by a person senior to the countersigning officer as a de novo review of all the facts.
- 6.4 Prisons must keep a record of the number of requests/complaints relating to categorisation decisions and the outcome of the de novo consideration. If the prisoner remains unhappy with the result of this review it is open to him to pursue the matter with the Governor, Director, DDC and ultimately the Prisons and Probation Ombudsman.

### 7. Timing of reviews

- 7.1 All prisoners other than those already categorised as Category D, those sentenced to less than 12 months, and ISPs must have their security reviewed at regular prescribed intervals.
- 7.2 Prisoners serving indeterminate sentences will be subject to Sentence Planning and Review meetings, which must be held at least every 12 months, The ISP's security category should be considered at each meeting.

The following have a six monthly review:

- Prisoners serving a determinate sentence of 12 months or more but less than 4 years
- Extended Sentence for Public Protection (EPP) prisoners with a custodial term of less than four years
- Prisoners in the last 24 months of their sentence

The following have an annual review:

- Determinate sentence prisoners with a sentence of 4 years or more
- EPP prisoners with a custodial term of four years or more
- 7.3 All convicted and sentenced prisoners, recall prisoners, including ISPs (other than those reported in to headquarters as potential Category A), must be categorised within 4 working days of all essential documents being received. Recalled prisoners must be reviewed within 4 working days of the Parole Board or Justice Secretary making a decision in their case.
- 7.4 Prisoners in the open estate, and Category D prisoners held in the closed estate, will be reviewed only if there is a change their circumstances; of if their behaviour gives cause for concern or when new information or intelligence suggests an increase in risk levels. Please note this can be different for ISP's.

- 7.5 Your recategorisation review must not be withheld or delayed to await the outcome of a parole hearing. To do so could be construed as unfairly jeopardising your chances of parole success.
- 7.6 The review should take place at the normal time although it will normally be inappropriate for you to transfer until the parole dossier is completed unless there is an urgent need to transfer you to higher security conditions.

#### 8. Indeterminate Sentenced prisoners

8.1 Categorisation and re categorisation can be different for those serving an indeterminate sentence.

Therefore for ISP's, the review process works as follws:

- Recategorisation from A to B is done by the Local Advisory Panel at your
  current prison, who then make a recommendation to the Category A
  Team. You will be entitled to have a review every 12 months and a "gist "of
  category A reports will be compiled and handed to you for consideration.
  At which point you will be given 28 days to submit your personal
  representations.
- Recategorisation from B to C is done internally at the time of your sentence planning meeting, which should again be done every 12 months, using the RC1 form mentioned above;
- Recategorisation to Category D can only occur following a review by a panel of the Parole Board. Two years is considered to be the maxium a prisoner should spend in open conditions.

Next month:

Your guide to pre tariff reviews



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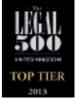
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# **Grandmother jailed for smuggling alleged banned substance**

CPS realise the mistake and contact the court who then agrees to immediately release the accused



Grandmother, Sharon Bolton was jailed for 19 days after she was arrested for allegedly smuggling a banned substance into HMP Lincoln on a visit with her partner.

Ms Bolton, 38, had been visiting her former partner at the Lincolnshire Prison on 21 June. She had been seen by security removing a package from within her top and giving it to her partner, who then hid the substance down his trousers.

Upon termination of the visit, her partner was searched and a quantity of the legal high Voodoo was discovered.

Following her arrest she had been told that the legal high was on a list of 'banned substances' and therefore pleaded guilty at a hearing at Lincoln Crown Court on September 18 to 'conveying a prohibited item into prison'.

She also admitted possession of amphetamine, which she mitigated was for her own use.

She was then brought back before the courts just 19 days later on 7 October after prosecutors realised their mistake.

In court no evidence was offered on the charge relating to the legal high and her release was ordered.

Judge Michael Heath, however gave her a six-month conditional discharge for the amphetamine charge.

A Crown Prosecution Service (CPS) spokesman said one of their advocates highlighted the suspected error whilst Ms Bolton was serving at HMP Peterborough and wrote to the court.



A CPS statement said: "The decision to charge was made by the police. But we acknowledge the issue should have been picked up." The statement said a "small number" of other cases are being checked to see if other people have been wrongly convicted.

The grandmother of three is now taking action to demand compensation from the Crown Prosecution Service.

She said: 'I was put in a cell on my own and I was really nervous. We were locked up 21 hours a day.

### What is Voodoo?

Voodoo is a new legal high described as "one of the newest most potent herbal incense blends to the market".

Reported effects include rapid heartbeat, hot flushes and "running around like mad".



HMP Lincoln where Bolton smuggled the drug

# Having a laugh

A man walked into a lawyer's office.

"How much does your advice cost?" he asked the lawyer.

"Fifty pounds for three questions," replied the lawyer.



"Isn't that awfully steep?" asked the man.

"Yes," the lawyer replied,

"And what was your third question?" The lawyer replied

A young police recruit was asked..

"What would you do if you were sent to arrest your own mother?"

His reply.... "Call for backup!!."

3 guys get a 10 yr sentence, they would each be closed in a cell alone, the food would be brought to them through an opening in the wall, and they would be locked up 24 hours a day without association!

Still, they were allowed to choose 1 thing which would entertain them for the next 10 years! The first one chooses his wife, the second one wants books, the third one asks for cigarette packets!

After 10 yrs, the officers opens the door one by one!

The first one comes out, with his wife ... and 5 kids!

The second one comes out with an enlightened look on his face and quotes endless excerpts from the book!

The third comes out and asks, anybody got a lighter?!



# New call centre is a success at HMP Highdown

HMP Highdown has been running a prison call centre which was set up approximately 5 weeks ago.

The centre which has not been publisised, was allegedly leaked by a member of prison staff.

The centre has been running at the Banstead prison which is currently being staffed by 20 prisoners who have a script to follow on their computer screens when speaking to members of the public on the telephone. All calls are recorded for monitoring and security purposes.

A spokesman for The Ministry of Justice said the calls are made externally and then transferred through to prisoners, who do not have access to telephone numbers, or any personal or financial details about those they are calling.

All the offenders are given, is the name and email address of the customer.



The MOJ has confirmed that the prison is not making a profit as all funds received are used to contribute towards mounting running costs.

The Governor of HMP Highdown, Ian Bickers said: "We are committed to providing prisoners with real work opportunities to help them turn away from crime.

"This project with Census Data Group allows prisoners to develop vital skills, and complements the exciting programmes we have at the prison. "The prisoners are thoroughly risk assessed before taking part and are monitored during the calls.

"They have no access to customers' personal details,except for a name and email address.

"Like our excellent Clink restaurant, this scheme aims to

reduce the risk of reoffending by providing prisoners with work experience that can help them secure a job when they are released."

Due to the success of the project, the prison has plans to expand the scheme to 60 prisoners in the near future.

The scheme provides hands on real life training for offenders which will assist future employment prospects.



### 5 November 1605

### The Gunpowder plot



In November 1605, the infamous Gunpowder Plot took place in which some Catholics, most famously Guy Fawkes, plotted to blow up James I, the first of the Stuart kings of England.

The story is remembered each November 5th when 'Guys' are burned in a celebration known as "Bonfire Night".

Catholics in England had expected James to be more tolerant of them.

In fact, he had proved to be the opposite and had ordered all Catholic priests to leave England. This so angered some Catholics that they decided to kill James and put his daughter Elizabeth on the throne ensuring that she was a Catholic.

This led to a plot to kill not only the king of England, James, but also everyone sitting in the Houses of Parliament at the same time as James was there when he opened Parliament on November 5th, 1605.

Guy Fawkes and his fellow conspirators, having rented out a house right by the Houses of Parliament, managed to get 36 barrels of gunpowder into a cellar of the House of Lords.

The explosive expert, Guy Fawkes, had been left in the cellars to set off the fuse. He was only caught when a group of guards decided to check the cellars at the last moment.

Fawkes was arrested and sent to the Tower of London where he was tortured and eventually gave away the names of the fellow conspirators.

Sir William Wade, Lieutenant of the Tower, had orders to use whatever means of torture was required to get information from Fawkes. The order came from James.

Of those involved, some were shot as they were

chased by the law such as Percy and Catesby. Others were captured, sent to the Tower and, after a brief trial, eventually hung, drawn and quartered, with Fawkes, in January 1606.

### 9 November 1989

### The Berlin wall is opened up after 28 years.

The Berlin Wall was opened up after standing for 28 years as a symbol of the Cold War. The 27.9 mile wall had been constructed in 1961.



East German officials opened the Berlin Wall, allowing travel from East to West Berlin.

The following day, celebrating Germans began to tear the wall down. One of the ugliest and most infamous symbols of the Cold War was soon reduced to rubble that was quickly snatched up by souvenir hunters.

The East German action followed a decision by Hungarian officials a few weeks earlier to open the border between Hungary and Austria.

This effectively ended the purpose of the Berlin Wall, since East German citizens could now circumvent it by going through Hungary, into Austria, and then into West Germany.

The decision to open the wall was also a reflection of the immense political changes taking place in East Germany, where the old communist leadership was rapidly losing power and the populace was demanding free elections and movement toward a free market system.

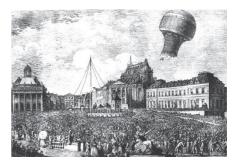
### 21 November 1783

# The first ever manned hot air balloon flight

The modern era of flight lifted off in 1783 when two brothers demonstrated their invention, the hot-air balloon, before a crowd of dignitaries in Annonay, France.

Joseph-Michael and Jacques-Ètienne Montgolf-

ier, prosperous paper manufacturers (a hightech industry at the time), began experimenting with lighter-than-air devices after observing that heated air flowing directed into a paper or fabric bag made the bag rise.



The Montgolfier brothers built a balloon made of silk and lined with paper that was 33 feet (10 meters) in diameter.

On Nov. 21, Pilâtre de Rozier and the Marquis d'Arlandes, a French military officer, made the first free ascent in a balloon, flying from the centre of Paris to the suburbs, about 5.5 miles (9 km) in 25 minutes.

Benjamin Franklin wrote in his journal about witnessing the balloon take off:

"We observed it lift off in the most majestic manner. When it reached around 250 feet in altitude, the intrepid voyagers lowered their hats to salute the spectators. We could not help feeling a certain mixture of awe and admiration."

### 22 November 1718

## Blackbeard the pirate is killed

Believed to be a native of England, Edward Teach likely began his pirating career in 1713, when he became a crewman aboard a Caribbean sloop commanded by pirate Benjamin Hornigold.

In 1717, after Hornigold accepted an offer of general amnesty by the British crown and retired as a pirate, Teach took over a captured 26-gun French merchantman, increased its armament to 40 guns, and renamed it the Queen Anne's Revenge.

During the next six months, the Queen Anne's Revenge served as the flagship of a pirate fleet featuring up to four vessels and more than 200 men.

Teach became the most infamous pirate of his day, winning the popular name of Blackbeard for his long, dark beard, which he was said to light on fire during battles to intimidate his enemies.

He was killed off the coast of North Carolina after a long and prosperous career.

Lt. Govenor Alexander Spotswood of Virginia had sent two sloops to put an end to him.

The sailors encountered Blackbeard and Lt. Robert Maynard killed him in the fight that followed.

# $\mathbf{Y}$ our Say

Each month we print your letters so you get to have your say. If you want to share your views on any issues important to you, please do not hesitate to write to us.

Every month we will print your letters and comments about previous editions, news articles and issues

Dear Mr Luke,

Thank you for producing Jail Mail.

I found the articles very interesting, particularly the 'Blog of the month' & its focus on how institutionalised we become & the impact that it has on people around us.

As a lifer doing a reasonably long wedge, I've tried not to let the system & its regimes affect me too much. I knew it would but how that would manifest itself is down to the individual

I'm currently getting the full bag of tricks; Town visits and home leaves, so I'm pretty much exposed to "real life" again.

Dealing with money was a bit unfamiliar, crossing the road felt a bit uneasy - everything moves at a rapid rate! Interacting with Joe public was a strange one because I realised I was applying a "them and us" approach & it's not until I realised that at that moment in time I was a member of Joe public that it faded away!.

Modern technology is a real doozie, smart phones, the internet (wow!), touch screens, the list goes on...

One of my personal issues was touch screens at supermarkets and the train stations. It took me round about a month to stop queuing up at the checkouts with my individual item before I attempted the touch screen self checkout!

You may like this one....

I finally decided to step up to the ticketing place and purchase a train ticket from the touch screen ticket dispenser. I'll have to say that I'm a Northerner & I'm in the south south, Southerners use trains like we use buses, so it was a bit unusual me using a train anyway.

So there I was, best foot forward, pressing buttons that weren't buttons on the touch screen and getting it totally wrong.

I'd made sure there wasn't anybody around so I had the time. After having to restart the process a couple of times I'd finally figured it out and the machine from hell was asking for payment, but I didn't have the appropriate loose change.

I had a Paul Weller moment "I heard footsteps behind me, my life swam around me, took a look and drowned me in it's own existence". I turned & there stood a little old dear with a frown of frustration on her face. I addressed the machine and noticed a blue light "Ah!" I thought, "notes!" I duly fumbled in my £10 note and was rewarded with return tickets and change. I turned to the old dear, apologised for the delay and received a snort of derision.

Off I strode, proud in the knowledge that I'd overcome my fear and defeated the demonic touch screen ticket dispenser.

Approaching the platform I found barriers, some with green ticks and some with red crosses "Ah" thought I, go through the ones with the green ticks, I'm doing really well!

Retrieving my outward bound ticket from my newly purchased wallet, I passed it over the green symbol, nothing happened, I tried again, gingerly at first and then like some demented Harry Potter with his first, virginial.

Paul Weller reared his head again and behind me there stood the same little old dear, her look of derision now replaced with a stare of serious concern for my mental health, "Sorry' after you I said.

Into the slot her ticket went & out of the top it popperd "Ah" thought I.

If there's one thing I've learnt to do in "townies or commserve", its people watch. It can save so much embarressment.

Maybe I'm being flippant in using this as an example of institutionalisation, but it does highlight that no matter how much we, in these places try to contest the effects of prison, no matter how much we try to retain our independence and self esteem and no matter how much we try to keep abreast of modern technology "the system" still leaves its mark!!.

I'm not in the fortunate position of having a good support network upon release, so for me it's a new start and a new area and I'm trying to create my own support network.

The articles on Clean Sheet and Crossroads - more of please. it's one thing to find a listening ear out there, but friggin difficult to find good sound advice.

One thing I feel I must say is that to anyone who's done a long time in jail, "Don't expect the resettlement team in whichever Cat D you end up in to give you all the answers". They do this as a job, not a vacation.

 $Im\ not\ defending\ them\ or\ putting$ 

them down, but people are people! At whatever stage of your sentence you're at, start your resettlement plan <u>now</u>. Build on family support, mend bridges and stay focussed on whatever it is you intend doing upon release because the years will fall by very quickly!

If people tell you it's too early to start thinking about release, go and find someone who will listen and give sound advice. Start to build long term relationships with mentors/support organisations.

It's your life.

Letter by:

Name supplied -HMP Bedford

Dear Jail Mail

The reason for my letter is to comment on Chris Graylings' move to increase the mental health care within the Prison system.

As Mental health care within prison is virtually now non-existant it should be easy to improve.

My point is that mental health as an issue should be dealt with in proper specialised institutions, not prison.

In my time in prison (by the way I have no mental health issues), I have been amazed and unpleasantly surprised that so many people with mental health issues are in prison in the first place.

Most of the ones I have met are not criminals, they are just ill. They should not be in prison but Graylings' policy is I believe out of sight - out of mind.

We all know there is no rehabilitation in today's modern prison system mentally ill or not, so why pretend?

All my life I have been a Conservative voter, but for the first time in my life I am hoping that we get a Labour Government in the forthcoming election.

Letter by:

AM - HMP Warren Hill

Dear Jail Mail,

I'd like to respond to the article in October's edition referring to Graylings' plans to increase mental health support in prison.

I've been incarcerated for seven months, but I've been suffering from mental illness since childhood.

Until a week ago, I was an inmate at HMP Dovegate. The primary mental health team were next to useless. The GP was also extremely reluctant to prescribe any medicines.

Mental health in - reach were ghosts, who I was never allowed to see, because I did not meet their criteria.

I started self - harming. An ACCT document was opened, and I was harassed with hourly observations and at weekly meetings. I referred for CAPS thrice.

Then they decided that enough is enough and unexpectedly shipped me out, even though my transfer to Cat C was meant to be frozen.

I shan't speak about HMP Huntercombe just yet, except that I've already been told to "sod off" by mental health in-reach.

Is it really a surprise that many inmates choose to end their lives? It is not for me.

Letter by:

AS - HMP Huntercomce

Dear Jail Mail

I write re the vexed issue of recalls that seem only to "Bed Block" HMPs, as I've just fallen victim to one.

I'm disturbed at the ease subjective opinion 'without proof' can be used without external checks to recall someone back to prison . If the police arrest you they can't charge until the CPS say yes. In short they are subjected to external checks that save public funds by means of avoiding cases being chucked out of court.

From recall file it seems all probation case managers do is go to their senior, and that the senior goes to their senior, and that is it!

In some cases that may all take place in the same office. So if the CPS 'police' police decisions, who

is policing NPS decisions?

I never broke a single licence condition which was varying on draconian to say the least.

I've provided provable explanations to the 'documents of concern' cited in the recall pack, for example my defence solicitor sourced it and it's still subject to on-going investigation by police, check my files I sent you (NPS) a copy.

This leaves just one viable point, my "becoming very emotionally unstable," which was due to a severe personality disorder + PTSD, which was factual.

My cases manager's actions saved my life as only because I was under arrest, Essex police noticed I was in pain and turning yellow.

However the simple fact remains I was recalled for being ill and by any measure, morally that's wrong.

I've agreed I should go back on medication so have done my part, but for being ill I now have to wait for a Parole Board and my 15 month licence now runs to the end of my SED.... as and when I get out.

Questions have to be asked about how much expenditure goes on pointless recalls or like mine, 'questionable' ones, given in - reach here considered i'd have been better off in a hospital unit.

The expenditure to the public purse must be extensive, let alone unchecked.

To add insult to injury I also had to suffer 'entry level', a Grayling policy that only seeks to degrade us for 2 weeks.

All prison laundry is 'nuked' on hygiene grounds and with 100% cotton clothing it shrinks, which is fine if you are 5ft 8 or under.

As a 6 foot plus male I was forced into t shirts that said extra large, but had shrunk so much, on me they were crop tops at best!

What ever happened to clean and serviceable?

Letter by:

DJ - HMP Littlehey

If you would like to have your say and contribute to next month's edition, please write to us at:

Your Say Jail Mail P0 Box 10419 Nottingham NG2 90F



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Meet our Prison Law team



rephen Luke Emma R (Solicitor) (Solic



Emma Rodgers (Solicitor)



Reise Griffiths Wright (BA Hons)

Telephone: 0115 9578878

Write to us at: Prison Law Consultants, 1 Arkwright Street, Nottingham NG2 2JR

# Tougher sentences on the way

# The new Criminal Justice and Courts Bill aims to toughen sentences for internet abusers, sex offenders, extended sentence prisoners and those who abscond from custody.

The new bill is currently in progress and Chris Grayling has recently announced, as part of the Criminal Justice and Courts Bill that internet trolls could now face up to 2 years in prison under the new act.

The bill quadruples the current maximum six month sentence in a bid to "take a stand against a baying cyber-mob".

The Justice secretary only spoke out about the change last month despite the proposals being confirmed in July earlier this year and referred to by ministers in September.

The law change is to be made as an amendment to the Criminal Justice and Courts Bill currently going through Parliament.

Grayling said that: "These internet trolls are cowards who are poisoning our national life", "No-one would permit such venom in person, so there should be no place for it on social media.

That is why we are determined to quadruple the current six-month sentence."

This comes after Chloe Madeley, daughter of TV couple Richard and Judy suffered "crude and degrading" abuse on line. Chloe Madeley received online threats after defending her mother Judy Finnigan's comments on a rape committed by footballer Ched Evans.



Richard Madeley & daughter Chloe

Grayling said: "As the terrible case of Chloe Madeley showed last week, people are being abused online in the most crude and degrading fashion."

"This is a law to combat cruelty - and marks our determination to take a stand against a baying cyber-mob."

"We must send out a clear message - if you troll you risk being behind bars for two years."

The bill also sets out plans to toughen sentences against those convicted of serious sex and terrorism offences.

Lord Faulks QC during his speech to the Criminal Management conference on 25 September said "The government is tackling automatic early release.

It cannot be right that serious sex offenders and terrorists may serve only half their sentence in prison and - regardless of how they have progressed with their rehabilitation - are then released automatically midway through their sentence.

The Bill therefore introduces measures to **end automatic early release** for anyone given an extended determinate sentence, or sentenced to standard determinate custody for the rape of a child or for serious terrorism offences.

No such offenders will be released before the end of their custodial term, unless the Parole Board judges that they no longer pose a risk of serious harm to the public."

"Terrorism poses a serious threat to our society. Terrorists who commit or try to commit horrific crimes in this country must face the very toughest punishments.

The Bill will increase to life the

maximum penalties for a further range of terrorism offences, and it will extend the enhanced dangerous offender regime so that courts can impose robust sentences where they are necessary for these crimes." "This government has a clear strategy to deliver a justice system that keeps the public safe and secure, reduces re-offending and puts victims first.

The justice system must keep our communities safe and secure and be on the side of hard working, law abiding citizens. We are already delivering on that promise."

There are also due to be tougher punishments for offenders who abscond, it has been made clear that "the government is also creating a new offence for offenders who abscond after being recalled to custody, so that those who try to avoid serving the remainder of their sentence do not go unpunished.

There will be a new maximum penalty of 2 years imprisonment."
There are a number of changes in progress, a lot of which many people aren't aware of and haven't been widely publicised.

You should expect to hear a lot more about the proposed changes in the coming months and we will aim to provide updates as and when they are available.





I've been set many tasks and challenges in my career as a coach, hell I've even got dudes re-

Rest assured I'm goin

**Get leaner - Aerobically** 

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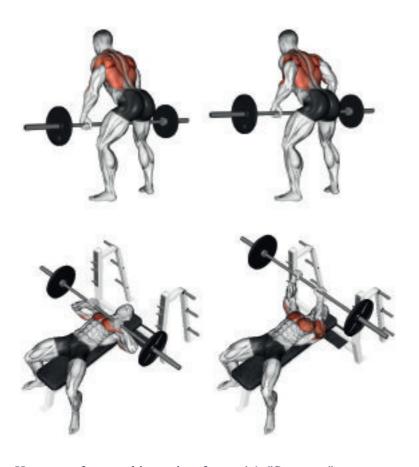
Let's

1<sup>ST</sup> Superset x 3

Bent over row 6-8 reps \*\*\* Bench press 6-8 reps

2<sup>ND</sup> Superset x 3

Latt pulldown 12-15 reps \*\*\* Pec dec 12-15 reps







That's jo

Here are a few coaching points for you! 1. "Super set" means to complete two exercises back to back with no rest 2. Rest for 60-1 Count to 2 seconds on each negative of every rep! 4. Pick a weight which causes near failure 90% of the way through your set full range of motion! Weight means jack s\*\*\* without this!!! I



This Pull out guide has been sponsored by

# PrisonPhone



ady for movies. But I've never had to construct something to be used within a prison gym.

g all out on this one.

# fitter - More muscular

training system used by elite athletes. My business partner, Neil Hill devised it!).

go!

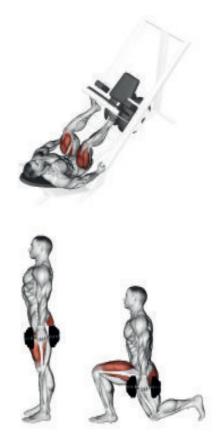
3<sup>RD</sup> Superset x 3

4<sup>TH</sup> Superset x 3

Squats 12-15 reps \*\*\* overhead press 12-15 reps

Leg press 30-40 reps \*\*\* Walking lunges 12-15 reps





# b done!!

**20 seconds between each superset** 3. The bit of the rep where you "lower" the weight is known as the negative/eccentric phase. By the end you should be giving everything you've got! **5. Make sure your form is right, no swinging the weights and use a** hope to hear from you some of you guys smashing this workout!!

kt time.

Gethin

# Public - Sector prison officer numbers cut by 41 per cent

"There are many people in custody who have not committed serious or violent offences and it is time for a hard look at who we send to prison & why" - Frances Crook - The Howard League for Penal Reform

The number of officers at public-sector prisons in England and Wales has been cut by 41 per cent in less than four years, figures obtained by the Howard League for Penal Reform reveal today (Monday 20 October).

Research published by the charity shows that there were only 14,170 officer grade staff working in prisons run by the state at the end of June 2014. There were more than 24,000 at the end of August 2010.

Cuts include 1,375 officer posts that were lost when 15 public-sector prisons were closed during the period.

The drop in officer numbers nationwide has coincided with a deepening prison overcrowding crisis and an alarming rise in the number of self-inflicted deaths in custody.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "The prison system is in crisis, and these figures reveal why. While the prison population has grown, officer numbers have been cut without any thought for the consequences.

"A shortage of governors makes matters even worse, because officers are being taken off the wings and asked to 'act up' to fill vacancies."

"Having made prison officers redundant, the Ministry of Justice is now apparently struggling to recruit. These are desperate times, and ministers are resorting to desperate measures."

In July 2014, the Howard League warned that prisons were at breaking point as it revealed figures showing officer numbers had been cut in all prisons – public and private – by 30 per cent in three years.

The charity's findings were supported by the Prison Governors' Association and the prison officers' union, the POA, who urged the government to act.

Since then, the damaging impact of staff cuts has been highlighted in a series of inspection reports published by Her Majesty's Inspectorate of Prisons.

Safety concerns were raised in reports on Ranby, Glen Parva, Hindley, Isis, Wormwood Scrubs, and Swaleside prisons.

Today's figures show how staffing levels are getting worse, not better – and how public-sector prisons have borne the brunt of the cuts.

Frances Crook said: "Last week, the outgoing president of the Prison Governors' Association revealed that officers were being shipped from the north to plug gaps in the south, and being put up in hotels at a cost of £500 per week each.

I understand that this arrangement is being built into long-term planning. Nobody knows how much it will cost, so the government is writing itself a blank cheque.

"As well as being a shameful waste of taxpayers' money, this approach will only create more disruption in jails. Good relationships between prisoners and staff are key to a well-run prison, and such relationships will be harder to achieve."

"Prison officers must respond to emergencies, and it is potentially disastrous to ask lowly-paid staff, demoralised and far from home, to work in different, unfamiliar prisons each week."

Established officers, already working under great pressure, will have to spend time explaining where things are and how things work.

"The only solution to this crisis is one that successive governments have ducked. There are many people in custody who have not committed serious or violent offences and it is time for a hard look at who we send to prison and why.

We must reduce the prison population."

# Letters from an innocent man

Paul Hill (Guildford Four)

Paul Hill, 20 year old man from Belfast was one of the Guildford Four which was also made up by Gerry Conlon, Paddy Armstrong, and Carole Richardson.

In October 1974, the Provisional IRA planted time-bombs at the Horse and Groom and Seven Stars pubs in Guildford, killing five people and injuring many more.

A few weeks later, Paul Hill was arrested in Southampton and became the first man to be held under the new Prevention of Terrorism Temporary Provisions Act. All four were charged with the Guildford bombings and signed written confessions, following which they all received life sentences.

In court the Judge said that he should only be allowed out of prison due to "great age or infirmity" and commented that his only regret was that he was unable to have him hanged.

However, all four later retracted their statements, claiming they had been obtained using violence, threats to their family and intimidation

Mr Hill said that "We were brutalised," "I was

stripped naked and threatened with firearms and mock executions. I was told I would be thrown from a window."

He served 15 years in the prison system and after years of campaigning supported by ex home secretaries, former law lords and international politicians, the sentences imposed against Mr Hill and the rest of the Guildford Four were quashed and they were finally allowed to walk free.

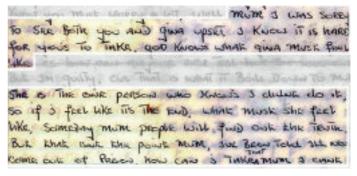
In 1989, the Home Secretary referred the case back to the Court of Appeal and a police investigation ensued into the original handling of the convictions

The Court of Appeal found that police officers had lied during the trial and the convictions were immediately quashed.

The letters he wrote during his incarceration to his family and loved ones have now been donated to the Archive of the Irish in Britain, at London Metropolitan University to be read by all.

The letters show Mr Hill's change in mood and attitude during his time in prison and show him to be funny, angry, rebellious and at times despairing.

### Letter from Hill to his mum 26 October 1975 - Just days after being sentenced

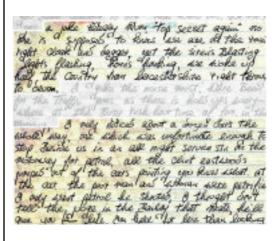


"Mum I was sorry to see both you and Gina upset. I know it is hard for you's to take. God knows what Gina must feel like...

She is the one person who knows I didn't do it. So if I feel like its the end, what must she feel like.

Some day mum people will find out the truth, but that isn't the point mum, I've been told I'll never come out of prison. How can I take that mum? I can't."

### Hill explaining secret transfer from HMP Gartree to HMP Dartmoor - 20 October 1978



A joke really mum, "top secret again" no one is supposed to know we are on the road, right cloak and dagger. Yet sirens blasting, lights flashing, horns honking. We wake up half the country from Leicestershire right though to Devon...

I only notice a dozen cars the whole way, one which was unfortunate enough to stop beside us in an all night service stn on the motorway for petrol, all the Clint Eastwoods jumped out of the cars pointing you know what at the car. The poor man and woman were petrified. I only want petrol he shouted. I thought don't tell the judge in the Bailey that mate, he'll give you life'. I'm here for less than looking at them.

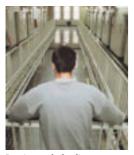
# Social - Media Attention: Blog of the Month

# **y**

# Alex Cavendish @prisonuk http://prisonuk.blogspot.co.uk

## Dead Souls and Burned-Out Cases

Our prisons are full of life's casualties. Much of this misery is self-inflicted, but when you get to hear prisoners' histories you do get the impression that some lads have really never had a chance.



Leaning on the landing

In the UK, prisons tend to be used as warehousing for deeply damaged people, some of whom represent a real danger to themselves and others. It's also a general rule of imprisonment that no matter how bad your own situation may be, there are always plenty of fellow cons who are much worse off

You can find them on every prison landing when cells have been unlocked, leaning on the railings just staring into space. They are the 'dead souls' and 'burned-out cases'. Some of them have fried their own brains and wrecked their bodies with hard drugs or years of drinking. Others have sustained brain damage from fighting.

I've met lads in their early 20s who look like wizened old men... emaciated, toothless and covered in scars from street fights or from sleeping rough. Some are living with HIV as a consequence of sharing dirty needles with fellow addicts.

Then there are other kinds of casualties: those for whom imprisonment has proved too much to cope with mentally. You can see it in their eyes. They often seem like they have souls that have died long before their bodies. It can be hard work talking to them about their futures, mainly because they can't imagine anything beyond the next day.



Architect of IPP "injustice"

Some of these cons have often served long stretches, sometimes many years longer than the minimum tariffs handed down in court when they have been given one of the infamous Indeterminate Sentences for Public Protection (IPP) – now mercifully scrapped – which even its architect, former Labour Home Secretary David Blunkett, now accepts was "an injustice". However, the change in the law hasn't benefitted the several thousand inmates still serving these open-ended IPPs who have no idea when, or even if, they will ever be released. In my personal view this has become a form of mental torture and when some of

these prisoners are eventually set free, a number of them may prove to be ticking time-bombs for the future.

Trying to understand why certain people turn out like this can be an uphill struggle. It's easier when you find out that they have come from a dysfunctional background: broken home, absent parent(s), time spent in local authority 'care', victims of abuse, early offending, youth custody... the rest seems to write itself.



One of life's casualties?

Would early intervention produce better results? This is a difficult question, simply because each individual, and his or her circumstances, is so different. Being taken into 'care' by the authorities certainly doesn't seem to solve some of these people's problems, especially in those cases when the 'care' they received included horrendous physical, sexual or emotional abuse from those who were supposed to be caring for them, or from other very damaged young people they came into contact with in these institutions.

If we look at the statistics, they are pretty grim. Around 23 percent of the adult prison population has been in 'care', while almost 40 percent of young prisoners aged under 21 were taken into 'care' as children. This remains a complex area for both criminologists and sociologists, but given that only two percent of the UK population end up in prison, the conclusion could be drawn that people who were in 'care' as kids are grossly overrepresented in the adult justice system. For those interested in reading more about this issue, the Prison Reform Trust study: Care - a Stepping Stone to Custody? (2011), is a good starting point.

When hearing some of these horror stories from fellow cons while working as a prison Insider (peer mentor), I was often reminded of Philip Larkin's famous poem: This Be The Verse, especially the line in which he observes: "Man hands on misery to man". How true that is.



Larkin: "Don't have any kids yourself"

The troubling thing is that many of these deeply damaged blokes, some not long out of their teens themselves, have already had kids of their own – sometimes several each, often by different women – and already some of these young children are involved in the criminal justice system or have been taken into 'care'. It's a pity that these lads

haven't taken Larkin's final piece of advice: "And don't have any kids yourself."

However, when some of your fellow inmates come from respectable families, who are often as mystified as everyone else why their offspring have turned to crime, the stories can be much more puzzling. Every nick I've been in has a significant proportion of former university students or ex-professionals who have fallen from grace. Many are very intelligent, although some have particular character weaknesses. Sometimes it's the temptation of easy money – often linked to drugs – or else embezzlement or fraud, or nicking cash or valuables from family and friends.

The situation of a fair number of younger lads in the slammer could be summed up very briefly as follows: got pissed and hit someone. At times they don't even really remember what led up to a drunken criminal act that may have changed (or even ended) another person's life and often that of the victim's family, as well as having had a devastating impact on their own future.



Some men do need to cry

One of the regular discussions I've had with friends and pad-mates in the nick is just where they think things started to go wrong. Don't think that cons don't talk about this sort of thing in their cells with each other. They do... quite a lot of the time and they can be much more honest with each other than they ever are with probation officers or addiction counsellors.

I'm not ashamed to say that I've sat for hours with some of these lads, quite a few of whom have ended up in tears of guilt and regret for what they've done to others, as well as to their own families. And, on occasion, I've put my arm around them as they've sobbed their hearts out, trying to offer some reassurance that it's OK and big boys can cry.

Getting in with a bad crowd in their teens is often one of the key factors, along with alcohol and the use of recreational drugs. I've met guys whose criminal records for violence are almost exclusively linked to excessive consumption of booze. Once they've had a skinfull, they lose all self-control and end up giving someone – often a person they've never met before – a slap outside a pub. Then things then get out of control until there has been a serious injury or even a death. Yet when you get to know them sober, they can be perfectly normal, decent lads. The main challenge is to keep off the pop when they are released.



Excessive alcohol: a key factor

It's only when you get to actually spend time with some of these blokes in the nick that you

come to realise just how ordinary they really are. Sometimes they've just been incredibly daft, immature or else easily led. I certainly don't want to minimise the harms they've caused to their victims, or to make excuses for their criminal behaviour, but the fact of the matter is that most crime is committed by very ordinary people, not monsters.

Other people end up in prison because of their reactions to various circumstances that are sometimes out of their control. They are basically normal people who have behaved in a criminal way in abnormal situations. In our society some get prosecuted, but others don't. Those inside are just the ones who got caught and as the poet A.E. Housman rightly observed:

There sleeps in Shrewsbury jail to-night, Or wakes, as may betide, A better lad, if things went right, Than most that sleep outside.



Armed robbery: not glamorous

A couple of my close friends have been armed robbers (although their crimes are much less glamorous than movies such as Lock, Stock and Two Smoking Barrels would have us believe). In certain circumstances, armed robbery can involve just picking up a iron bar during a tussle over disputed money, so forget the idea of blaggers in balaclavas toting a pair of sawn-off shotguns outside the local branch of Barclays. Most of the lads I've known who are in the nick for robbery got caught up in a series of incredibly stupid events and have ended up with sentences ranging from six to eight years – and that's without a single firearm being involved.

Most of my mates, who understand where they went wrong, will rebuild their lives once they've been released from prison. In many cases their families are standing by them and they will have a home to go to when they walk out of the main gate with their black prison holdall and their £46 resettlement grant. As long as they keep their noses clean during their licence period – which is usually half of their entire sentence – then I doubt that the majority will ever go back to jail. At least I really hope not.

It's the much more difficult cases – those who will leave prison with nothing and no-one to go to – who will be the challenge to resettle back into the community. As a society, we just don't have sufficient support mechanisms in place to address their complex needs, including starting to deal with childhood abuse and all the emotional damage, including self-hatred, that it can cause. Some of these blokes are just so alienated from society that reintegration is probably the last thing on their minds as they step out onto the pavement outside the prison gates.

And then there are the casualties of our 'care' system and our prisons: the 'dead souls' and 'burned-out cases' who stare into space on every wing landing. I don't pretend to know where to start with them... but then, it seems, neither does anyone else.



The Prison and Probation Ombudsman has released its report on "Maintianing family ties" and provides feedback and lessons to be adopted by the Prison Service.

# Maintaining family ties Learning from PPO complaints relating to maintaining family ties with prisoners.

Maintaining family ties can help to prevent prisoners reoffending and can assist them to settle successfully in the community on release. Maintaining family contact while in prison also reduces isolation and the pain of imprisonment for both prisoners and families.

However, the deprivation of a prisoner's liberty inevitably limits their ability to interact with family and friends, leaving prison staff to balance the potential benefits of maintaining family ties against their fundamental responsibility for ensuring security and public safety. This balance is not always easy to achieve, nor do staff always get this right. As a result, my office receives a steady stream of complaints from prisoners about family ties issues.

This bulletin highlights learning for the Prison Service from our investigations into some of these complaints and identifies what I believe is a proper balance. Learning these lessons could help resolve complaints at the earliest opportunity, promote contact between prisoners and their families, support rehabilitation and save scarce public resources by eliminating the need for a prisoner to escalate their complaint to my office.



Nigel Newcomen CBE Nigel Newcomen CBE
Prisons and Probation Ombudsman

#### Introduction

Imprisonment has an inherently adverse effect on a prisoner's family, particularly if there are dependent children. The right to a family life is enshrined in law in Article 8 of the European Convention on Human Rights as the "Right to respect for private and family life". Article 8 is a qualified right, which requires a balance between the rights of the individual and the needs of the wider community or state interest. In prison, there will be circumstances where it is permissible for this right to be overridden by the need to maintain national security, public safety and the protection of the rights and freedoms of others.

Prisons must ensure that the right balance is struck between allowing prisoners contact with their family, facilitating visits and allowing other forms of communication, while managing the risks prisoners pose to others and ensuring that public protection and security are not compromised. More broadly, prisons have an obligation to consider the impact imprisonment can also have on family members who are not imprisoned - yet can often feel like they too are being punished.

This learning lessons bulletin looks at examples of the complaints the Ombudsman received from prisoners between 2009 and 2013 about issues to do with maintaining ties with their family and friends. Prisoners have limited means to keep in touch with their families: they can receive visits at the prison, send and receive letters by post (if they are sufficiently literate), make (but not receive) telephone calls, and, if eligible, attend close relatives' funerals in the community through the temporary release scheme. In the main, however, they do not have legitimate access to the mobile telecommunications and information technology that so dominates personal communication in the community.

### **Visits**

"Visits are seen as crucial to sustaining relationships with close relatives, partners and friends, where appropriate, and help prisoners maintain links with the community". (Prison Service Instruction 16/2011)

Research has indicated that receiving visits during imprisonment increases the likelihood of a prisoner reporting that they had found employment and accommodation on their release from prison, which in turn contributed to lower rates of reconviction in the year after release.

Visits enable prisoners to socialise face to face with their friends and relatives while they are in prison, albeit in a controlled and restricted environment. Of all the forms of communication available to a prisoner, a visit allows the highest level of interaction with their relatives or friends.

Visits allow prisoners to be in close physical contact with their family and in some prisons, certain types of visits can last a whole day (usually known as family days). Family days are more flexible, and allow a greater level of contact – such as a prisoner being able to play with their children or prepare and eat meals together.

Such contact can be particularly important in helping maintain close relationshins with those who live considerable distances from the prison or who, through child care responsibilities or age and infirmity, struggle to visit regularly.

## Case study A

Ms A, a life sentence prisoner, complained about the decision to end family days for lifers at her prison. She said that she no longer received visits as a result. Ms A's only regular visitors were her elderly and disabled parents who lived a very long distance from the prison. They found the journey difficult and, in order to visit Ms A, they had to stay overnight near the prison. This was expensive as their income put them just above the threshold for financial assistance with visits. They had been willing to make the long journey and stay overnight when they could spend a whole day with Ms A but, although they still wanted to visit her, they found it too tiring and expensive now that they could only spend an hour or two with her on a normal visit.

The prison responded and said that,

while the prison realised she was disappointed with the decision to remove lifer family days, they did not have the funds or staff resources to facilitate such events

The Ombudsman found that, although lifer family days had been stopped, the prison still provided six children's visits days per year, which the prison confirmed were not oversubscribed. The Prison Service has an obligation under Prison Rule 4 to actively encourage prisoners to maintain outside contacts and meaningful family ties, and the Ombudsman did not consider that it was meeting this obligation in Ms A's case. He recommended that the prison either reinstate lifer family days or allow visits over both days of a weekend for prisoners in Ms A's position. They opted for the latter.

Closed visits are another source of complaint to the Ombudsman.

Closed visits prevent the prisoner and visitor from having any form of physical contact, in order to prevent the passing of illicit items. This is most often achieved with a physical screen or barrier, but may also be achieved through strict supervision in a 'non-contact' visit, Prison Rules 3 state that closed visits are an administrative measure - not a punishment.

As such, they can be applied on the basis of intelligence, regardless of whether or not a prisoner has been charged at a prison hearing (adjudication) with smuggling prohibited items through a visit.

The Ombudsman receives complaints from prisoners who are frustrated at being placed on closed visits on the basis of intelligence they have not seen or that they dispute. In such cases, the Ombudsman's role is to consider the quality of the intelligence and whether it was reasonable for the prison to impose closed visits on the basis of that intelligence.

### Case study C

Mr C was put on closed visits following a positive drug test. Mr C complained that the positive drug test was for a prescribed medication which had come from the healthcare department in the prison. Mr C said that placing him on closed visits was punishing his family even though they had done nothing wrong.

PSI 15/2011 states that a single positive drugs test should not necessarily be taken to provide sufficient evidence that a prisoner is smuggling or is at risk of being persuaded to do so. It says that closed visits should not normally be imposed after just one failed drug test but only after repeated drug test failures (unless there are other aggravating factors).

The Ombudsman's investigation found no evidence from the prison that Mr C had been suspected of smuggling drugs through visits and upheld his complaint, as sufficient grounds were not found for placing him on closed visits.

The Ombudsman recommended that the prison issue a written apology to Mr C for placing him on closed visits and remind staff that prisoners should only be placed on closed visits in line with PSI 15/2011.

Imposing closed visits on all prisoners might well help to restrict the flow of illicit drugs and other contraband, but to do so, would be wholly disproportionate (as well as logistically impossible). Prisoners and their families and friends have the right to enjoy visits that are as unconstrained as possible, consistent with the requirements of good order, discipline and security.

### Letters

Corresponding by post is an important way for prisoners to keep in touch with the outside world. However, the desire a prisoner may have to maintain contact with their family has to be balanced against any risk that they may pose to family members.

Prisoners are entitled to one weekly statutory letter. All letters are opened (but not all are read) by prisons to ensure that they do not contain any unauthorised items. The complaint from Mr D highlights the balance the Prison Service must achieve between the need to protect the public and a prisoner's right to a family life.

### Case study D

Mr D sent a Christmas card and letter to his teenage granddaughter, which was intercepted by the prison and not sent. Mr D complained that the prison had breached his right to respect for private and family life.

Due to the nature of his offence. Mr D was subject to public protection mea ures to safeguard children. This meant that he had to make a special application to be allowed to correspond with a child.

The Public Protection Manual 5 requires the Prison Service to carry out a fully comprehensive, multi-agency risk assessment of the prisoner and a 'best interests' assessment for the child before deciding what, if any, form of contact is appropriate.

In Mr D's case, he should have made an application to have contact with his granddaughter. This would have initiated the risk assessment process which would have concluded whether any contact was allowable.

As Mr D had not applied for permission, the Ombudsman found that the prison's actions were reasonable and were in line with the prison's duty to ensure the safety and well-being of vulnerable children, and to protect the public. Mr D's complaint was not upheld.

## **Telephone Calls**

While letters are a good and traditional way of keeping in touch with family and friends, access to telephones in the community is ubiquitous and, moreover, too many prisoners have inadequate literacy skills for letter writing. Telephone calls are, therefore, a hugely important means of maintaining contact from prisons.

Once again, there is a need to strike a balance between prisoners contacting their family and friends by telephone and protecting people from unwanted calls from prisoners. The Prison Service records all calls and monitors a sample of them. It also uses a PINphone system to ensure that prisoners are only able to ring telephone numbers that have been checked and approved.

The Ombudsman receives a number of complaints from prisoners where the prison has not justified the restrictions that they have placed on an individual's calls. This can be seen in the case of Mr E.

### Case study E

Mr E complained that he was required to give 48 hours' notice before telephoning a relative.

The prison said that the 48 hour delay was in place because Mr E had previously broken Prison Rules (PSI 49/20116), by discussing subjects with his relative that he was not permitted to over the phone. They had, therefore, required him to give 48 hours' notice so that they could arrange for a member of staff to moni tor his calls as they took place.

The prison had monitored Mr E's calls in this way for six months and, during this period, Mr E had not breached the rules. The prison, therefore, decided not to continue monitoring Mr E's calls with his relative, however they had kept the 48 hour notice period in place.

The Ombudsman found that there had been no breaches of Prison Rules for more than six months and that Mr E's calls to his relative were no longer being routinely monitored.

This indicated that there was no longer a need for the 48 hour notice period. He recommended that the 48 hour notice period condition be removed immediately, pointing out that it could be reinstated again if Mr E broke the rules again.

When a prisoner first enters prison, they may have come straight from a police station or court, and not have been able to put their immediate affairs in order. This could include the need to make childcare arrangements, as well as inform their family or friends of their whereabouts. PSI 49/2011 provides for prison governors to allow prisoners to make a telephone call in the first 24 hours they are in prison.

If the prisoner is subject to, or likely to be subject to, public protection measures (which could restrict who the prisoner is allowed to contact) then a member of staff can make contact on their behalf.

# Special Leave to visit a dying relative or attend a funeral

Most prisoners may be considered for temporary release under a special purpose licence to visit a dying relative or attend a funeral. Special purpose licences are normally only granted in the case of close relatives.

All temporary release is unescorted and subject to a risk assessment. Where a prisoner is not suitable to be allowed temporary release, they may still be allowed to attend a funeral under secure escort for which there is a separate risk assessment.

Funerals are an important opportunity for the bereaved to pay their respects to the person who has died and to receive emotional support from relatives and friends.

They are a significant part of the grieving process for anyone who has lost a close relative, and may be even more significant for prisoners who may not have been able to maintain regular contact before the death.

Applications to attend funerals should, by their nature, be treated with considerable urgency, especially when it is often necessary to contact third parties, such as the prisoner's offender manager, to request information as part of the risk assessment.

Although the Ombudsman generally becomes involved only once it is too late to affect attendance at the funeral, he has upheld a number of cases where prisoners have not been allowed to attend a relative's funeral.

This may allow the bereaved prisoner some comfort, but also potentially ensure lessons are learned for the future.

Typically, complaints concern delays in processing applications, incorrect information being used in the risk assessment and prisons not correctly applying Prison Service Order 6300 (Release on Temporary Licence). The case of Mr G highlights a number of these issues, including the need for timeliness in processing special purpose licence applications.

Case study G

Mr G complained to the Ombudsman that he was refused a special purpose licence to attend his brother's funeral.

Mr G applied to attend his brother's funeral on the day he was informed of his brother's death. The prison processed Mr G's application four days after he had submitted it and forwarded it to the Security Department. Security requested information from the Probation Service and Police three days later.

Probation failed to respond to the prison's request in time and Mr G's application was refused due to the lack of information on victim issues, the nature of his offence and location of the funeral.

The Ombudsman found that, although the prison followed the correct procedures, the first contact was not made with external agencies until a week after Mr G made his application, and only a week before the funeral was due to take place.

If the application had been processed with a greater sense of urgency, it is likely that the information required for the risk assessment would have been received in time

The Ombudsman recommended that Mr G receive an apology for the delay in processing his application, and that the prison review its procedures for processing funeral applications to ensure that they are handled more promptly.

# Lessons to be learned for maintaining family ties

Prison Service Instructions and Guidance fully support the maintenance of prisoners' positive contact with family and friends and set out how prisons should facilitate this.

Nevertheless, the Ombudsman still sees examples where prisons fail to achieve an appropriate balance between supporting family ties and ensuring security and public protection. Practical failures include prisons not processing applications in a timely manner, not following the procedures, failing to apply them in a fair and consistent way or not providing a reason for limiting contact between a prisoner and their family.

The findings in this bulletin highlight straightforward steps that prisons can take to reduce the number of complaints related to maintaining family ties, and to ensure that complaints are resolved quickly and effectively through the internal system when they do arise.

## Lesson 1

Prisons should ensure they follow and apply Prison Service Instructions when considering and facilitating contact between prisoners and their families.

## Lesson 2

Prison visits arrangements should accommodate, as far as possible, prisoners' different family set-ups. For example, they should ensure that any extended visits are available

for reasons other than children's visits.

### Lesson 3

Prisons should ensure that they use all available information to inform their decisions when assessing contact between a prisoner and relative or friend. Prisons should not rely on outdated information, and should review, as necessary, any restrictions that are in place.

### Lesson 4

Prisons should process applications to maintain family ties in a timely and prompt manner. This is especially important for applications to attend funerals, which, by their nature, should be treated with considerable urgency.

### Lesson 5

In all internal complaint responses, prisons should provide as full an explanation as security allows for their decision, setting out the reasoning behind their decision.

"The Prisons and Probation Ombudsman (PPO) carries out independent investigations into deaths and complaints in custody.

The detailed role and responsibilities of the PPO are set out in his office's Terms of Reference.

The PPO has two main duties to investigate complaints made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and immigration detainees to investigate deaths of prisoners, young people in detention, approved premises' residents and immigration detainees due to any cause, including any apparent suicides and natural causes.

The purpose of these investigations is to understand what happened, to correct injustices and to identify learning for the organisations whose actions we oversee so that the PPO makes a significant contribution to safer, fairer custody and offender supervision."

The Ombudsman can be contacted via correspondence at:

Prisons and Probation Ombudsman PO Box 70769 London SF1P 4XY

Jail Mail is interested to hear your views and thoughts.

It can be difficult to maintain family ties, and whilst you have a right to family life under Article 8 of the Human Rights Act, there is no mandatory requirement to hold prisoners in establihsments closer to home which can make it difficult to receive visits and limit contact.

Have you expeirenced difficulties keeping in touch with friends and loved ones, we want to hear your experiences, good or bad.

Write to us, addressed to "Your say" at Jail

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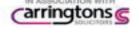
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# <u>Investigations show that prison suicides increase by 64% in only 12 months</u>

Prison Ombudsman Nigel Newcomen says there is an "appalling upsurge in suicides" which urges a need to re-review the approach within the Prison system, including "more resources being applied".

New figures obtained by the Guardian newspaper have revealed that 125 prisoners have committed suicide in the last in 20 months – working out as more than six a month on average.

Investigators examined all suicides between January 2013 and 28 August 2014 and found four women and 121 men, aged between 18 and 74 had killed themselves whilst serving in the adult prison system.

There have also been a further nine adult males, aged between 21 and 46 who have killed themselves up to the 2 October this year, bringing the total number of self-inflict-

ed deaths since January 2013 to 134.

The prison and probation service Ombudsman, Nigel Newcomen, has said that the deaths are "utterly unacceptable" in this day and age and reflect the "rising tide of despair" and the crisis the prison system is currently in.

He commented, "There is no question the

prison service is more challenged now than [it has been] in a generation," "My job is to draw lessons from these individual human tragedies and I don't think that adequate heed has been taken of them."

Mr Newcomen said that he had made recommendations to save future lives but these were being ignored by officials.



It's 8pm, and 7 yr old Lola is snuggling down for a bedtime story. "Ok, this story is called The Gruffalo" says her Dad. "Ready? Here we go..."

It's a typical bedtime scene in thousands of homes across the country, but Lola's situation is far from typical. Her dad, Leon, is in prison over a hundred miles away and Lola is listening to his voice on a story CD.

Leon is taking part in the Storybook Dads scheme which enables parents to keep in touch with their kids from behind bars by reading them bedtime stories.



"The first time Lola heard the CD, she kept saying 'I love my Daddy" says Leon "There's not much I can do for her from in here, but she reads along with the CD so at least I'm helping her with her reading a little bit. It's like the stories bring us closer".

Storybook Dads is a small, award-winning charity which now operates in over 100 UK prisons (including women's prisons where it operates as Storybook Mums). The scheme began in HMP Dartmoor in 2002 when prison volunteer Sharon Berry helped the Writer in residence to devise the Storybook Dads scheme.

She says "Over 200,000 children every year are affected by the imprisonment of a parent. Many of them suffer feelings of abandonment, isolation and shame, which can lead to anti-social behaviour and failure at school. Sadly, over half of prisoners lose contact with their families.

Those that do maintain contact are up to 6 times less likely to re-offend upon release. As reading to children is the most important thing a parent can do to help their child's education, the story CD and DVDs give them the chance to do something positive and tangible. It also means that the child can hear their parent's voice whenever they need to."

From humble beginnings at HMP Dartmoor (where Sharon used to run the project from an empty prison cell!) it has now spread throughout the UK prison estate (and Sharon has been awarded an OBE for her impact on helping children and families!).

The scheme is so flexible and simple that it has been replicated in prisons across the world and the Storybook Dads team even provide training, support and an editing service to the Army, Navy and RAF, enabling service personnel serving abroad to send stories to their children.

In UK prisons, the scheme is usually run from the library, where the stories are recorded and then sent to the editing suites at HMP Darmoor and HMP Channings Wood (although a handful of prisons do their own editing).

The stories are edited by specially trained prisoner-editors using digital audio software. They remove mistakes and add sound effects and music to really bring the story to life. Some prisons even offer a DVD option where parents are filmed reading a story so their child can see them as well as hearing



In many prisons the service is also available to grandparents, siblings and other relatives - anyone who has a child who is missing them. And because of the editing process even poor readers and non readers can take

As well the CD & DVD projects, some prisons also offer other Storybook Dads projects such as 'Me & My Dad' (or Mum) where the parent can create a 'memory book' or calendar.

The latest project is 'Read Along with Dad', which combines the parents voice with images and text from the book to create a read-along DVD.

For the children, receiving these precious gifts brings them comfort and the reassurance that they are loved.

A recent letter we received from the partner of a prisoner said "When Jack's daddy first went to jail, Jack found the separation really hard and he had a few behaviour problems. Since getting the CD and hearing his dad's voice, his behaviour has improved

Since Storybook Dads began, over 40,000 discs and other resources have been sent to families. Over 500 prisoners have been trained in audio or video editing - gaining useful skills for their rehabilitation. "Working for Storybook Dads has taught me that you can do anything if you put your mind

I't gives you a sense of normality and responsibility which helps you plan for a life outside prison," says Lloyd, a prisoner/ editor. In 2011, Storybook Dads began employing some prisoner-editors upon their release on temporary contracts to help them adjust to life on the out.

Family contact is recognised as one of the main factors in reducing re-offending so for thousands of families dealing with separation, Storybook Dads is a lifeline.

Meaning children who couldn't sleep at night are comforted. And children who felt abandoned, feel loved. And parents who felt www.storybookdads.org.uk or find us on worthless...feel pride.

So for such a small charity, Storybook Dads

certainly has a big impact... and is still run on a very small budget. It receives no statutory funding, although HMP Dartmoor & Channings Wood kindly provide accommodation and amenities for the editing suites (which helps keep costs low).



Every penny has to be fund-raised in order to keep the charity going.

In fact, their latest event is happening on December 13th 2014 and everyone can support it from the comfort of their own home (or even cell!) Fundraiser, Dan explains:

"Lots of charities hold a Christmas Ball. But the people we help can't make it to a ball... and we can't afford one anyway.... so we're having a No-Ball Ball. Everyone is invited not to attend. We've invited lots of celebrities who have also agreed not to come which is great news!

We just want everyone to send a (ridiculous) RSVP and then make a donation on the night of the ball (December 13th).

Obviously this will be difficult for prisoners but they can help us out by sending us an RSVP saying why they can't attend (the sillier the better), maybe a drawing of themselves or what they'll be wearing to the ball.

We can also send them a donation form to come out of their prisoner's monies if they

We'll publish all the RSVPs on social media and our website. Families and supporters can RSVP, donate and follow us on Facebook & Twitter to make the event a suc-

For more information about the ball or Storybook Dads in general, please visit Facebook & Twitter. Or write to Storybook Dads, HMP Channings Wood, Denbury, Newton Abbot, Devon TQ12 6DW









# www.storybookdads.org.uk

Storybook Dads is entirely reliant on voluntary donations and charitable grants to support our work. Please help us to keep reaching vulnerable families by making a donation or regular gift. via our website.

Storybook Dads is a registered charity in England and Wales Charity Registration No: 1101208 HMP Dartmoor, Princetown, Yelverton, Devon PL20 6RR 01822 322287



# The gloves are off for ex professional boxer who now helps ex offenders with free training

Ex professional boxer Marvin Greaves, who previously served 18 months in prison custody for fighting as a youngster, is now using his boxing skills to help other offenders turn their lives around.



He said, "I was a hothead when I was a lad. There was a time when, if people looked at me the wrong way - I'd go for them. But boxing gave me the strength to walk away from trouble."

The former professional hung up his gloves, after scar tissue was found inside his skull which meant he was no longer fit to compete.

Greaves, is providing free sessions for offenders alongside rehabilitation groups at his "Team Greaves" gym in Oldham.

He said "I mixed with the wrong people, but jail gave me the time to think. I'd become a dad, and I didn't want my daughter growing up with her old man in and out of prison."

"I concentrated on what I was good at, and that

was boxing.

"I am thrilled to be able to offer a way out to offenders, and to be living proof that if you apply yourself, then you can achieve positive things." The ex pro said he hoped providing the free sessions and getting offenders into the sport could help the next generation learn from their mistakes, just as he did.

He is trying to give people a second chance and boxing helped them release their anger and control aggression. It helps with discipline and self control. He said "Over time the respect, confidence and discipline boxing instils transforms them. It's all 'hello, good afternoon'. I love it.

A health trainer with Cheshire & Greater Manchester Community Rehabilitation Company said Marvin's work was "remarkable."

One former prisoner has been using Marvin's gym since his release and commented, "It's really important for me to carry on using a gym, and the fact Sam has taken me here and introduced me to Marvin means a great deal."

The gym has seen approximately 50 ex-offenders join in the last 12 months, all of whom have praised the ex boxer for his help.

# **Domineering**

**Players**: Two - Also known as: Crosscram, Stop-Gate

The players take turns linking pairs of dots on a grid.

The first player unable to move loses.

#### Description

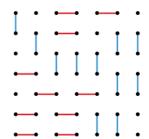
The game is played on a matrix of dots.

The players take turns in linking a pair of adjacent dots.

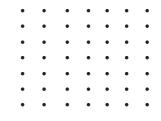
The first player, Blue, always makes a vertical link, and the other player, Red, always makes a horizontal link. No dot can be linked more than once.

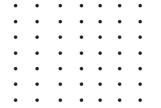
The first player unable to move loses.

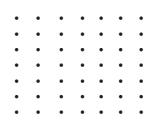
#### Example



Your turn!



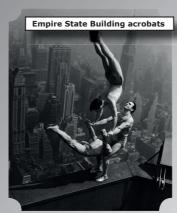




# History in Pictures



A vending machine that sold already lit cigarettes for a penny, England, 1931



Terry Fox runs during his Marathon of Hope run across Canada in 1980. He ran for 143 days until he died.



Mona Lisa being returned to its home at the Louvre in Paris, France after WW2, 1945  $\,$ 





# The Importance of Criminal Cases Review Commission (CCRC)

By Rebecca Broadbent - Carringtons Solicitors

At a time where public funding for legal representation is facing more difficulties than ever before, there is concern about those who can't afford representation suffering miscarriages of justice.

Whilst a defendant has the right to appeal from the magistrates' court to the Crown Court, he has no right to appeal from the Crown Court to the Court of Appeal.

Rather, in order to appeal a conviction or sentence imposed by the Crown Court, a would-be appellant must seek permission to appeal, either from the Crown Court judge, or from the Court of Appeal itself.

The Court of Appeal does have the power to hear fresh evidence when hearing an appeal, however, such evidence will only be heard if it is "necessary" or "expedient in the interests of justice" to do so (section 23 Criminal Appeals Act 1968).

Historically, appeals to the Court of Appeal have been limited to what has visibly gone wrong in the trial process. It is therefore foreseeable that some errors in a trial can be overlooked.

# What is the Criminal Cases Review Commission?

The Criminal Cases Review Commission ("CCRC") is an independent public body which reviews potential miscarriages of justice in the criminal courts. It additionally has the power to conduct relevant investigations as part of its casework.

If appropriate, the CCRC will refer the case back to the relevant appellate court, which, in most cases will be the Court of Appeal. The CCRC may review decisions relating to both conviction and sentence. It is unique in that it is totally independent from either side of criminal proceedings. It is hoped that this impartiality acts as a safeguard against miscarriages of justice.

# What can be referred to the CCRC?

An individual may wish his case to be referred to the CCRC if an adverse decision relating to an appeal has already been given or if permission to appeal has been refused. Section 13 of the Criminal Appeal Act 1995 stipulates that the CCRC may make a referral if it considers that there is a 'real possibility' that the conviction, verdict, finding or sentence would not be upheld if the reference was to be made.

This could be when new relevant evidence has come to light, or that relevant evidence was not presented at trial. Additionally, the Commission may make a reference if there are 'exceptional circumstances' which justify making it.

### Regina v J

Perhaps the case which most starkly demonstrates the importance of the CCRC is Regina v J [2003] EWCA Crim 3309. J was a mentally subnormal individual convicted of manslaughter in 1989.

He was assessed by a clinical psychologist as being below the bottom one per cent of the population in terms of verbal intelligence with "extremely poor" memory.

Despite being 49 years old at trial, expert evidence suggested that he had the mental age of a child of eight and a half years. One day after his conviction, he was made the subject of a hospital order under section 37 of the Mental Health Act 1983. His appeal against conviction was dismissed the following year.

In 2002, the CCRC referred I's conviction to the Court of Appeal on the grounds that there was a real possibility that the conviction could be unsafe.

The conviction arose after a woman's body was found in her flat in Newcastle, face down and naked on the bed in her bedroom after being brutally attacked.

Given the nature of her injuries, the issue was not whether the cause of death was murder or misadventure: there was no question that she had been killed by somebody. The issue at trial was whether it was J who had killed her.

At trial, the trial judge stated that there was "not a shred" of forensic evidence linking J to the scene of the crime. Even more worryingly, even the Prosecution stated that there was no evidence against J, other than several confessions given by J to the police in interview.

No appropriate adult was present in the interviews, which, it transpired, was in contravention of his rights under Code C of the Police and Criminal Evidence Act 1984 ("PACE").

## The Commission's findings

The Commission found new evidence which cast doubt upon the police officers who con-

ducted J's initial police interview, which provided crucial evidence to the Prosecution's case.

The new evidence was a computer printout from a system used by Northumbria police at the time.

The system allowed entries relating to detainees in police custody to be recorded. Recorded on the printout against the entry "warnings" was the word "MENTAL" in block capitals.

Furthermore, it demonstrated that J had given his date of birth as "25/02/1939" despite his actual date of birth being 25/04/1939.

## Paragraph 1.4 of Code C of PACE provides:

"If an officer has any suspicion, or is told in good faith, that a person of any age may be mentally disordered or otherwise mentally vulnerable, in the absence of clear evidence to dispel that suspicion, the person shall be treated as such for the purposes of this Code."

Given the entry on the police system which came to light after trial, it is clear that at the time, the officers were in fact aware that J was mentally disordered, or at the very least, mentally vulnerable.

Upon hearing the appeal as referred to by the Commission, counsel for J submitted that this document should have been admitted in evidence at trial on the basis that it would have enabled the defence to attack the credibility of the interviewing officers.

The significance of this document is that is makes it clear that the officers should have treated J as mentally handicapped, and thus afforded him the opportunity to have an appropriate adult present. Furthermore, it would have impacted on the ruling on the admissibility of J's confessions.

High profile miscarriages of justice such as the case of Sally Clark often remind us that the criminal justice system has no jurisdiction to redress such miscarriages posthumously.

If you have any concerns about any of the issues raised in this article, and you feel that the above applies specifically to your case, you should seek immediate legal advice.

Here at Carringtons, we have specialist criminal appeal lawyers with years of expertise who are ready to help you fight your case.

If you believe that you have been a victim of a miscarriage of justice and would like further advice, please contact us immediately.

Please see our advert on the front page of Jail Mail for our full contact details.

# **HM** Inspectorate reports

October - November 2014

Each month we will bring to you the latest HM Inspectorate reports and recommendations

# <u>Inspectorate annual report 2013 - 2014</u>

This is an introduction to the new HMPI report completed by:

Nick Hardwick HM Chief Inspector of Prisons

The full report can be found on

http://www.justiceinspectorates.gov. uk/hmiprisons/

In my first annual report for 2010–11, I said I wanted to:

" set a baseline for the work of the Inspectorate itself and the state of the institutions it inspects. I hope this will provide a useful point of comparison as the work of the Inspectorate develops over the next few years and the government's reforms take effect."

This year, as every year since, my report uses the framework of the healthy prison tests to assess progress.

### Prisons

There is no doubt that the pressures on prisons were very significant in 2013–14.

The National Offender Management Service (NOMS) as a whole delivered further savings of £274 million which represented 7% of its resource budget.

This included a reduction of 4% (£84 million) in public sector prison running costs, mainly as a result of benchmarking and competition processes, and £88 million as a result of the closure of older prisons and their planned replacement with cheaper places elsewhere

Benchmarking was applied first in adult male prisons. Four prisons closed by January 2014 and others changed their role during the year. Prison costs will reduce by £2,200 per place by the end of 2015.

In the short-term at least, the planned staffing reductions these changes involved resulted in a significant loss of more experienced staff as old prisons closed; new prisons with inexperienced staff, such as Oakwood and Thameside, struggled.

This was exacerbated by significant, long-lasting but unplanned vacancies, particularly in London and the South East of England.

At the end of April 2013, the total prison population stood at 84,083 which was 96% of the usable operational capacity of 87,930. On 28 March 2014 the total population had unexpectedly increased above projections to 85,252 which was 99% of the usable operational capacity of 85,972.7 These population pressures had become particularly intense from

the autumn of 2013 onwards,

The population is not spread evenly and this led to significant overcrowding in many prisons. Overcrowding is not simply an issue of prisoners being doubled-up in cells designed for one but means that the purposeful activities, rehabilitation programmes and other services and facilities are insufficient for the size ofthe population.

At the same time, prisons have also been required to deliver a significant new policy agenda.

- From April 2015 the Transforming Rehabilitation programme is intended to ensure most prisoners serving short sentences and most of those in the final months of a longer sentence are held in 'resettlement prisons' in or connected to the area in which they will settle, with commissioned 'through-the-gate' resettlement services organised by new Community Rehabilitation Companies.
- Changes to the incentives and earned privileges (IEP) scheme have made it harder for prisoners to earn privileges.
- Following some disastrous failures, procedures for granting release on temporary licence (ROTL) to aid prisoners' rehabilitation, usually as they near the end of their sentence, have been tightened.

Under each healthy prison test we assess outcomes for prisoners as being 'good', 'reasonably good', 'not sufficiently good' or 'poor' and the percentage of establishments we assessed as 'good' or 'reasonably good' since 2005–06.

This report summarises findings from individual inspection reports published in 2013–14, most of which took place in 2013.

Care has to be taken comparing one year with another, and with part years, as different establishments are inspected each year, but these findings are undoubtedly a cause for great concern.

The safety outcomes we reported on in 2013–14 declined significantly from the previous year. Safety outcomes wereworst in adult male local prisons and not good enough in a third of all the prisons inspected.

We too often found weaknesses in basic safety processes. Critical risk assessments for new prisoners, at their most vulnerable time in custody, had gaps.

Too many prisoners in crisis were held in segregation in poor conditions and without the exceptional circumstances required to justify this. Some prisons were insufficiently focused on tackling violence.

The increased availability in prisons of 'new psychoactive substances', often known as 'legal highs', was a source of debt and associated bullying and a threat to health.

The declining safety outcomes we identified

were consistent with the safety data NOMS itself produced.

Of most concern, the number of self-inflicted deaths10 rose by 69% from 52 in 2012–13 to 88 in 2013–14, the highest figure in 10 years.

What pushes an individual in despair over the edge will be different in every case.

However, as reports from the Prisons and Probation Ombudsman and coroners make clear, bullying is a factor in many cases.

Two important indicators of the level of bullying in prisons are assaults and 'incidents at height'.

The overall level of assaults in prison increased in 2013–14 and the increase was particularly high in adult male prisons. The number of assaults involving adult male prisoners increased by 14% on the year before and was the highest for any year/

Adult male prisons are becoming more violent every year; that trend accelerated in 2013–14 and included a dramatic 38% rise in the number of serious assaults.

The number of incidents at height in adult male prisons increased dramatically in the year. This should be regarded as a major concern.

There are many reasons for this but we find they often involve prisoners clambering onto the netting or railings attached to wing landings in the hope they will be taken to segregation and then 'shipped out' of the prison to somewhere they feel safer, where the conditions appear better or where they will be closer to home. Some appear to be protests about the IEP scheme.

Increases in self-inflicted deaths, self-harm and violence cannot be attributed to a single

They reflect some deep-seated trends and affect prisons in both the public and private

Nevertheless, in my view, it is impossible to avoid the conclusion that the conjunction of resource, population and policy pressures, particularly in the second half of 2013–14 and particularly in adult male prisons, was a very significant factor in the rapid deterioration in safety and other outcomes we found as the year progressed and that were reflected in NOMS' own safety data.

The rise in the number of self-inflicted deaths was the most unacceptable feature of this. It is important that the bald statistics do not disguise the dreadful nature of each incident and the distress caused to the prisoner's family, other prisoners and staff.

It is a terrible toll. 'The total experience of imprisonment affects suicidal behaviour' is a valid conclusion today, just as it was when the Inspectorate first addressed the issue back in

1999

Then, as now, it requires acknowledgement, action and accountability for doing so from top to bottom.

This deterioration in outcomes continued well into 2014–15 but by the summer of 2014 there were some signs that warnings had been heeded and remedial action had begun to take effect.

Population pressures eased slightly as additional accommodation came on stream. Support for safer custody work was strengthened from the centre and staff were sent on detached duty to help those prisons most under pressure.

Recruitment was speeded up and some former staff were invited to return on short-term contracts.

A number of prisons were temporarily placed on restricted regimes which focused the available staff on providing consistent and safe time for association and domestic duties, but restricted the time available for purposeful activities and rehabilitation.

Our monitoring appeared to show some reduction in the number of self-inflicted deaths and there was some slight improvement in inspection findings.

The overcrowding described above contributed to a decline in respect outcomes in adult male prisons.

After a period of improvement, overcrowding worsened as the year progressed. Two-thirds of the prisons we reported on during the year as a whole were overcrowded. At its worst, overcrowding meant two prisoners sharing a six foot by 10 foot cell designed for one, with bunks along one wall, a table and chair for one, some shelves, a small TV, an unscreened toilet at the foot of the bunks, little ventilation and a sheet as a makeshift curtain.

A few prisoners might spend 23 hours a day in such a cell – 20 hours was relatively common in a local prison. Prisoners would eat most of their meals in their cell. The food budget was reduced from £2.20 per prisoner per day in 2012 to £1.96 a day in 2013.

In many prisons, strong relationships between staff and prisoners mitigated the worst effects of overcrowding and helped make prisons safer than they would have otherwise been.

Our inspection of HMP Pentonville for instance, found it beset with staff shortages, an appalling physical environment and a very needy population with high levels of substance misuse and mental health problems.

On 31 March 2014, there were 7,172 prisoners aged 50–59 and 3,577 aged 60 and over, an 8% increase on last year (for over 60s there was a 6% increase).

We submitted evidence to the House of Com-

# HM Inspectorate reports

October - November 2014

mons Justice Committee's inquiry into older prisoners and argued that the Prison Service should develop a national strategy for dealing with this group.

The committee agreed with our view and it is therefore of concern that the Ministry of Justice rejected this. However, the number of older prisoners looks certain to continue to rise, new statutory obligations will affect prisoners who require social care and in myview the development of a national strategy remains essential.

At the other end of the age range, policy for young adults (18–21-year-olds) was in flux.

The number of young adults in prison and YOIs continued to fall. Our inspection of the young adults held in HMYOI Feltham was the most concerning of the year, with high levels of violence, high levels of the use of force and far more use of batons than anywhere else in the prison system.

In response to our findings, Feltham ceased its role as a remand prison for all young adults in London and young adults on remand were dispersed to adult prisons.

The government then set out proposals to hold most sentenced and remanded young adults in adult prisons but this was then put on hold pending the conclusions of an independent review into the deaths of young adults in custody.

From April 2013, NHS England took over commissioning of heath care in prison from local commissioners. Although this created some uncertainty, standards of clinical care remained good.

The problem of prescribed medications being stolen or sold continued to grow and pharmacy services needed to do more to respond to this. There was a welcome continuing trend to provide integrated pathways of mental health care and although we saw some good mental health practice, the care for prisoners with mental health needs was inconsistent and too few discipline staff were trained to identify prisoners with mental health problems and respond appropriately.

In view of the pressures on the system, it was a real achievement that the purposeful activity outcomes we reported on in 2013–14 were an improvement on the year before.

We inspect learning, skills and work provision in prisons with Ofsted in England and Estyn in Wales.

They assessed provision as 'good' or better in just over half the adult establishments inspected.

No provision was outstanding overall. Vocational training was often the best part of the provision available and in some prisons there was decent work available that reflected a real working day.

However, in others there were too few activity places available and those that were available were often unacceptably underused.

Not enough was done to help prisoners improve basic literacy and numeracy skills and this was not sufficiently coordinated with sen tence plans and other rehabilitation activity.

Equipping prisoners with the skills, experience and habits they need to get and hold down a job is an essential part of the rehabilitation process – in my view, probably the most important.

It was clear that the improvements we reported on were unexpected that the pressures on the system led to a sharp decline in outcomes in those inspections that took place in the latter part of the year and were published in 2014–15.

Resettlement outcomes were the best of our healthy prison tests in reports published in 2013–14 as prisons responded to the proper priority Ministers gave to this area.

There was often a sharp contrast between reasonably good and very important practical resettlement services and the much weaker offender management processes designed to manage a prisoner's risks and address their behaviour.

We also worked with HM Inspectorate of Probation on a thematic review of life sentence prisoners published in September 2013. We found that in open prisons preparation for release relied heavily on release on temporary licence (ROTL) which was badly planned.

These deficiencies were sadly highlighted in summer 2013 when there were three major ROTL failures in which very serious crimes were committed.

The Justice Secretary asked me to review these incidents and I submitted my report to him in January 2014.

ROTL should be an important resettlement tool and the failure rate is low. Less than 1% of releases on temporary licence fail and of these, 6.1% involve an arrestable offence.

However, when these failures do occur the consequences can be terrible. The ROTL system has not kept pace with the growth in the number of eligible prisoners and the higher proportion coming to the end of indeterminate sentences for serious offences.

The Justice Secretary accepted my recommendations and quickly introduced these and other measures to improve the system.

2014–15 will be a critical year for rehabilitation work in prisons as they prepare for the introduction of the Transforming Rehabilitation agenda and many for a new role as a resettlement prison.

We found little evidence of effective preparation in 2013–14, although it was early days. The decline in outcomes already evident in 2014–15 is of more concern and population pressures and restricted regimes create a real risk to the development of resettlement prisons.

### Women

We inspected relatively few women's prisons in 2013–14. However, in contrast to adult male prisons, it was very welcome that almost all outcomes were reasonably good or good. Our inspection of HMP Holloway, for instance, was our most positive yet of that prison.

These improved outcomes in women's prisons have been sustained into 2014–15.

Many women in prison have very complex needs with high levels of mental health difficulties, substance misuse problems and histories of abuse.

Overall, safety outcomes in women's prisons improved and this coincided with the introduction of better first night and other support procedures, better substance misuse services and better mental health care.

Nevertheless, levels of self-harm in women's prisons are still disproportionately high, although falling.

There were three self-inflicted deaths in women's prisons in 2013–14. Some of the most vulnerable women are also some of the most challenging and their care is less well developed than it would be in a men's prison.

There was more to be done to improve the leadership, quality and outcomes in learning, skills and work in women's prisons. However, in contrast to men's prisons, women's prisons had sufficient activity places and, other than at Holloway, women enjoyed good time out of cell. Resettlement outcomes were reasonable overall

## Children & Young people

This was another year of major change for the children and young people's custody estate.

The average secure estate population (including a few 18-year-olds) fell from a high of 3,451 in 2002–03 to 1,708 in 2012–13, and again to 1,334 in 2013–14 – a fall of 22% in one year alone and more than 60% from its highest point.

The fall was concentrated in young offender institutions (YOIs); the numbers in STCs remained relatively stable.17 The reduction in the population inevitably led to shrinking of the estate.

All the remaining small units for girls closed during the year. Ashfield YOI was re-roled as an adult prison and other YOIs had their capacity significantly reduced.

The fall in the number of children in YOIs is very welcome but has had profound implications. The reduced population is a much more concentrated mix of boys with both great vulnerability and challenging, sometimes very violent, behaviour who are a danger to themselves, other boys and staff.

Establishments struggled to control violence and bullying. In all establishments, there were fights and assaults almost every day.

There were no self-inflicted deaths involving children in the year and the reduced size of establishments enabled some better and more individualised care

Nevertheless, we were concerned that learning from earlier tragedies had not been fully applied.

The care of the most vulnerable boys in small units such as Keppel in Wetherby YOI was very good.

In all the establishments we inspected relationships between staff and boys were generally good.

We saw some evidence that staff had raised their expectations of the boys and were more confident about challenging poor behaviour at an early stage, and this helped to avoid it escalating.

Health care and mental health services were generally good. Most boys were out of their cells for about eight hours a day, although this might be much less for those subject to disciplinary procedures.

Achievements, quality and leadership were good in education in about three-quarters of the YOIs inspected and there were signs that this was improving further. A third of the boys in our surveys said they had been in local authority care. The shrinkage of the children and young people's estate meant that boys were held further away from home, and contact with their families and relevant agencies in their home areas, essential for their successful resettlement, was much more difficult.

2013–14 was the first year in which we jointly inspected STCs with Ofsted.

Our overall assessment of each STC was that they were 'good'. The quality of accommodation was high, and children benefited from the education and resettlement activities offered.

We found that the use of 'separation' – in which children are isolated from others – needed improvement and there were some frailties in child protection work.

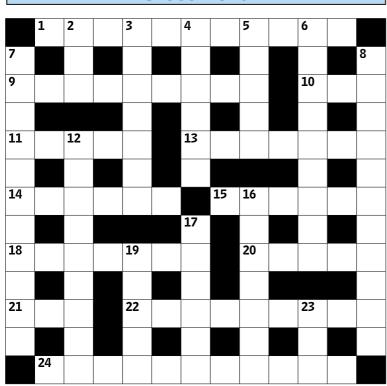
All the STCs we inspected responded positively to our recommendations and we evidenced improvement on our return.

During the year, the government confirmed plans to establish a network of secure colleges to replace most of the existing YOIs and STCs. The first 320 bed secure college is planned to open in 2017.

The changes in population that have occurred since the policy was first announced mean this secure college will hold about a quarter of all children in custody and it will be challenging to provide these very troubled children with better education than that delivered in YOIs, where provision has improved significantly.

I am concerned that the plans do not yet provide assurance that they have considered and will be able to adapt to the changes in the size and complexity of the juvenile custody population.

# Crossword



### **Across**

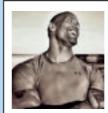
- Of little substance (11)
- 9: Remaining (9)
  10: Non-pedigree dog (3)
  11: Lout (5)
- 13: Breastbone (7)
- 14: Aptitude, skill (6) 15: Worn at the edges (6) 18: Curdled milk dish (7)
- Bathroom appliance (5)
- 21: Wonder (3) 22: Careless (9) 24: Eternal (5-6)

### **Down**

- Hostelry (3) Country dance (7)
- Caprice (6)
- Fireplace (5) Trite, stale (9)

- 7: Extemporise (4,2,2,3) 8: Plan ahead (11) 12: Spaghetti sauce (9)
- 16: Bounce back (7)
- 17 Paper fastening (6) 19: Bring together (5) 23: Age (3)

# **Celebrity Tweets**



@TheRock Tokyo bound. #FastestPrivateBirdInTheWorld #G650 #RamblinMan #HERCULESWorldTour





@GaryLineker Once kicked a ball about. Now talk about kicking a ball about. Still flogging spuds

I used to enjoy the anonymity of LA until this dude asked me to take a photo of him! @piersmorgan



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Give me my	calendar, Jail Mail, P0 Box 104	119 Nottingham, NG2	9QF.		

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# Outside - In

What's going on this month outside the prison gate

# Oscar Pistorius sentenced to 5 year prison term

Masipa said a Judge must strive for a sentence "neither too light nor too severe", ruling that "a non-custodial sentence will send a wrong message to the community".



Oscar Pistorius was finally sentenced by Judge Thokozile Masipa on 21 October 2014.

He stood staring straight ahead as judge Masipa announced his five year sentence for culpable homicide for killing his girlfriend, Reeva Steenkamp.

She said "Nothing I do or say today can reverse what happened to the deceased or her family on 14 February 2013" but "hopefully, this judgment on

sentence shall provide some sort of closure for the family".

With a distressed look on his face, the double amputee grabbed the hands of family members as an officer led him to holding cells below the high court in Pretoria.

Pistorius was immediately sent to custody and will be eligible to be considered for parole after serving a third of his sentence. The parents of Reeva Steenkamp told reporters at the BBC "that they were happy with the sentence and relieved the case was over."

The defence said it expected Pistorius to serve about 10 months in prison but defence lawyers argued for community service and house arrest.

Masipa rejected the defence team's arguments and described the evidence of one of their witnesses, social worker Annette Vergeer, as "slapdash and disappointing".

Pistorius's uncle, said that he acknowledged the judgement and appealed to media to

Pistorius's uncle, said that he acknowledged the judgement and appealed to media to "accept the ruling of court and let us move forward in this process and give us some degree of dignity and privacy".

This may not be the last we hear about the case as both the prosecution and defence have the right to appeal.

The prosecution service confirmed that it had not yet decided and the defence team has yet to make comment.

Pistorius was also given a three year sentence, suspended for five years, for a firearms offence.

# Ched Evans plea to play football after release



Footballer Ched Evans who was released from prison on 17 October has released a video statement days after walking free, expressing regret for what he described as an "act of infidelity" against his girlfriend.

In a short clip posted on the internet, Evans, continued to insist that the woman he was convicted of attacking had consented to sex.

The former Sheffield United player used the video to plead for a chance to return to football, saying: "If that is possible I will do so with humility, having learned a very painful lesson.

Many have said that he no longer has the right to play as youngsters should not be able look up to him.

Evans said: "I don't believe I have a given right to play again, but for any club to take me on, I have learned a valuable lesson and know that over time I can prove myself to be a positive influence, not just on the pitch but also in the community."

# Paralysed man walks after ground breaking

# surgery

Doctors have repaired the spinal cord of a paralysed man using cells from his own nasal cavity. Paralysed by a knife attack, Polish firefighter can now walk again.

A ground-breaking cell transplant has allowed a paralysed man to walk again. The treatment, a world first, was carried out by surgeons in Poland in collaboration with scientists in London.

Polish man Darek Fidyka, 38, who was left paralysed from the chest down



Darek undergoes physiotherapy

after a 2010 knife attack caused an 8mm gap in his spinal cord is now able to walk following ground breaking surgery.

Before the cell transplant took place, Darek had been given an initial 13 months of rehabilitation followed by an additional 8-month program without any successful results.

He then underwent cell transplant surgery in 2012 resulting in exceptional results.

Scientists at University College London (UCL) developed the treatment, which saw cells from the nose transplanted to Fidyka's spinal cord. The cells used from his nose allow the sense of smell to return when nerve cells in the nose are damaged.

Surgeons at Wroclaw University in Poland, injected the cells above and below Fidyka's spinal cord gap, then used nerve tissue taken from his ankle to act as a bridge for spinal nerves to grow across.

Three months after the operation, Fidyka's thigh muscle began to grow and three months after that he started to walk with leg braces and the help of a physiotherapist.

Fidyka said "When you can't feel almost half your body, you are helpless, but when it starts coming back it's as if you were born again".

Other functions have also started to return such as, bladder sensation and some sexual function.

Professor Geoff Raisman told Journalists:

"My idea, which I followed for many, many years, is that actually the nervous system is capable of repairing itself, actually the cut nerve fibres are capable of growing back -- but they lack a pathway to cross the injury."

"So it's as though a motorway has been damaged. The cars still know where they want to go, but there is no roadway for them to go across. Thinking that way, the question is -- what could we use to make a bridge."

"Now, we don't know how the bridge

would work, we don't understand the basis of this, so our idea was 'is there somewhere else where nerve fibres are able to relay the road?' and the only place we know is the olfactory system, the sense of smell."

"The underlying idea is 'can we get something out of an area where repair works and transfer it into an area where repair doesn't work and will it then cause a repair?"

Mr Fidyka said "What I have learned is that you must never give up but keep fighting, because some door will open in life."

Prof Geoff Raisman said: "It would be my proudest boast if I could say that no patient had had to pay one penny for any of the information we have found"

Nicholls Spinal Injury Foundation said if there were any patents arising, it would acquire them so as to make the technique freely available.

# **TIME OUT - Just for Fun**

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HALLOWEEN APPLE BOBBING **ZOMBIES GOBLINS** 

GHOSTS **PUMPKIN** WEREWOLVES HAUNTED

PHANTOM LANTERN **SPIDERS GRAVEYARDS**  **SPECTRE** WITCHES **DEMONS** SKELETONS **SPOOK VAMPIRES** BATS **MUMMIES** 

## **TEST YOUR KNOWLEDGE**

- 1. How many years did the Hundred Years War last?
- 2. Who was the oldest man in the bible?
- 3. In computing what is Ram short for?
- 4. What do the dots on a pair of dice add up to?
- 5. Which planet is nearest the sun?
- 6. Who is the only British Prime Minister to be assassinated?
- 7. Which country has the longest coastline?
- 8. How high is a baketball hoop?
- 9. How many kilograms make up a metric tonne?
- 10. In which country was cricketer Ted Dexter born?
- 11. Who said "I think therefore I am"?
- 12. What is the largest bone in the human body?

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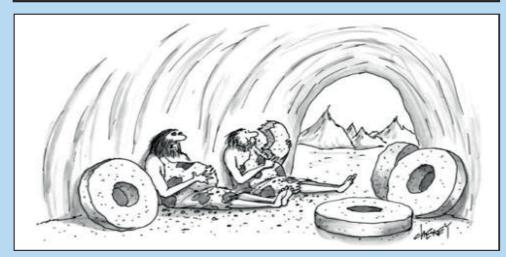
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**Useless Facts!** 

- 1. Mailing an entire building has been illegal in the U.S. since 1916 when a man mailed a 40,000-ton brick house across Utah to avoid high freight rates.
- 2. More than 30% of the people in the world have never made or received a telephone call.
- 3. The Bible, the world's best-selling book, is also the world's most shoplifted book.
- 4. Any free moving liquid in outer space will form itself into a sphere because of its surface tension.
- 5. Bees have 5 eyes. There are 3 small eyes on the top of a bee's head and 2 larger ones in front.
- 6. In every episode of the American sitcom Seinfeld there is a Superman somewhere.

# Cartoon Caption Contest



Each month, we provide a cartoon in need of a caption. You, the reader, submit your caption below and we will choose a winning caption which will be printed in next month's issue.

The winner will also receive a prize of £25 which will be sent by postal order. Good Luck!

Please send your caption with your name, number and prison to:

Cartoon Caption Jail Mail Po Box 10419 Nottingham NG2 9QF

Alternatively email us: caption@jailmail.co.uk

### **LAST MONTH**



Congratulations to David McElligott from HMP Thorn Cross who has been chosen as the winner for the first ever caption contest with the following caption:

"I told you love, we don't need to move to Australia, best of both worlds!!"

## Runner up:

"George , you spoil that dog, I'm fed up with you turning this place upside down because he lost his ball!" by Derek Arnold - HMP Ford

# Your contribution

If you would like to contribute anything for inclusion in the newspaper, such as your own artwork, poems, cartoons or your own made crosswords or word searches, please send these to us and we would be happy to include these in future editions.

We also welcome your feedback and suggestions for future publications, if there is anything you would like us to include please do get in touch.

# **ANSWERS**

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# **FOLLOW US ON**



Test Your Knowledge Answers
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- Grayling issues apology for recording confidential telephone calls
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- A Z Guide All you need to know about Pre Tariff Reviews
- Win £25 in our Caption Competition plus more!

IN THIS EDITION

# **Howard League Victory!**

**MOJ** amends PSI to allow prisoners to have more than 12 books at one time - read update here!

# **Koestler Exhibition**

**Anna Whittaker writes** about her recent visit to the exhibition in London & we showcase some of the art featured

# **Prison Law Consultants Ltd**

**Reise Griffiths Wright talks** about Parole Board oral hearing procedures & what to expect!

**Edition no.3** 

December 2014

# PRISON VIOLENCE NOT TO BE TOLERATED

The Ministry of Justice has announced that all perpetrators of serious violence on staff will be prosecuted and met with tougher repercussions "unless there is a good reason

The recent announcement comes as a result of a collaboration between The Prison Service, Crown Prosecution Service (CPS) and association of Chief police officers.

Due to the significant rise of violence related offences against staff in prison, the Ministry of Justice (MOJ) said that work was underway to tackle gang related crime in prisons.

Between June 2013 and June 2014 government figures show that there were just under 3,500 assaults on staff, totalling a rise of 12%. Most assaults were dealt with by way of adjudication with only 25% of violent attacks being referred to the police.

However the prison system has been blamed for an increase in violence due to ongoing staff cuts and shortages.

The Prison Officers Association has blamed staff cuts for increasing violence and says 90 prison officers are leaving a month due to fears for their personal safety, a total of 12,500 staff have left the service in the last three years.

The Howard League for Penal Reform said "The government should focus on addressing staff shortages in order to reduce violence behind bars."

A new joint protocol which will be implemented by the end of April 2015 will detail how authorities can work together to secure convictions against violent inmates who commit serious assaults on staff.

The MOJ said that the new protocol would "improve crime reporting and information sharing".

The new measures will also highlight victims' rights and promote the use of victim statements.

"It will improve the service of victims of crime in prisons, especially hard-working prison staff", said the MOJ.

Prisons Minister Andrew Selous told reporters that the measures "will ensure that

those who attack staff are prosecuted and fully brought to justice."

"We have always had a complex and challenging prison population but are taking appropriate steps to ensure that we carefully manage the increased levels of violence."

As well as the new protocol we have previously commented upon the Serious Crime bill which is currently awaiting its second reading before the House of Commons, which will impose tougher sentences for the possession of offensive weapons in prison which will be punishable by up to four years imprisonment.

The government is trying to crack down on violence as part of its violence reduction strategy by imposing tougher sentences, Attorney General Jeremy Wright said:

"This protocol will make it clear that prosecution should usually follow when prisoners assault hard-working prison staff. Prison officers deserve the greatest clarity and the best protection we can give them."

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For immediate FREE advice call us local rate on **08454 750 650**  The National Prison Newspaper is delivered to establishments throughout England, Wales & Scotland.

We try to provide a voice for all our readers, therefore if you would like to get in touch in relation to any matters that are important to you, we urge you to contact us.

Please feel free to write to us at:

Jail Mail PO Box 10419 Nottingham NG2 9QF

Jail Mail, whilst delivered free of charge to prisons and visitor centres, is also available by subscription for an annual fee of £20 + postage.

We are currently working on a digital version, specifically optimized for smart phones and tablets for those in the community, which will be announced shortly.

In the meantime, the paper can be viewed online at our website and if you would like further details please visit us at:

www.jailmail.co.uk

Alternatively, we can be contacted by email at: Admin@jailmail.co.uk

We can also be contacted by telephone on: 0845 226 2841

We are pleased to announce that this month we have also delivered to establishments in Scotland and Northern Ireland- so look out for us!

We look forward to hearing from you and hope that you find the contents not only interesting but helpful and a source of support.

Also, don't forget to request your free 2015 calendar whilst stocks last, please see page 28 for further details.

## Enjoy!

Views expressed in Jail Mail are those of the authors and not necessarily the views held by Jail Mail or its representatives.

# Current Prison Capacity Figures 28/11/2014

Total population	85,902
Male population	81,959
Female population	3,943
Useable Operational Capacity	88.003



### Editor's note

I hope you enjoyed reading November's edition. We significantly increased print numbers and have again had great feedback from all who have read it.

We were pleased to again receive 1000's of letters commiting upon articles featured in November's paper and we have included some of those letters in "Your Say" on page 14 of this publication.

We also received a number of letters for our "Ask an Expert" double page spread specifically about maintaining innocence and the completion of assessments and reports by psychology - please see page 8 -9 for more information.

We also received great feedback from the **Prison Law** Consultants article in relation to Parole Board delays, we have therefore included more details this month about Parole Board reveiws, the procedure and what to expect. This can be found on page 6.

As always, I encourage you to take advantage of our question and answer pages and write to us with your concerns, positive or negative, so we can share these with others, who can then offer their own support and input and not just those serving in custody, but officers, professionals, governors and family members as well.

If it is important to you, then it's important to us and anyone else reading this paper.

Each month we will publish your letters, so why not write to us now at:

Your Say Jail Mail PO Box 10419 Nottingham NG2 9QF

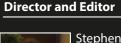
Please make sure that you include your name and prison number so we can credit your letter. However, should you wish to remain anonymous please let us know.



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# **PAROLE VICTORY**

# SWAIN & CO

# **GET HARRY**

# **PAROLE**



Swain & Co are over the moon after securing Harry Robert's release from prison.

Mr Roberts was convicted of the murder of 3 police officers in November, 1966 and most people thought he would never be released!

Parole was always opposed and the Government took the unusual step of sending lawyers to the parole hearing.

HARRY ROBERTS, COP KILLER, IS PAROLED Swain & Co secured the immediate release of Harry Roberts. He was not even required to go to open conditions to demonstrate his readiness for release.

Dean Kingham who represented Mr Roberts, said, "It was a difficult and highly emotive case. It felt as if the whole establishment was against us. That made it all the more satisfying when we won his release".

Swain & Co are experts in parole and all aspects of Prison Law.



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# **Unnecessary imprisonment of many individuals says Lord Harris**

Michael Spurr, Chief Executive of NOMS: "Reducing the number of self-inflicted deaths in prisons was a top priority." - Lord Harris instructed to conduct a review into prison suicides and self-harm by government officials.

The government in February of this year asked Labour peer Lord Harris to conduct a review into how to reduce self-harming and suicides in prison after the number of prison deaths continues to rise dramatically.

Figures show that prison suicides in England and Wales have risen by a staggering 64% in the last year.

Harris told BBC Radio 4 presenters during an interview that he believes that too many inmates have been jailed and continue to be jailed "needlessly"

Especially those who suffer from mental health problems who require specialist treatment and support rather than being sent to prison.

Whilst there are plans in place for dedicated mental health services to be improved in prison, there are already secure hospitals where those who suffer from severe mental health can gain appropriate support and treatment and address reoffending.

Lord Harris said: "The critical issue is why some prisoners are [in jail] in the first place.

"Are there interventions that could have been done, could have saved the government money by stopping them ending up in the criminal justice system in the first place, or not necessarily ending up in prison?

"Obviously there will always be a core of prisoners who do need to be in prison. But, if some of the others were not there, there would be more resources to make sure those individuals were supported and prison achieved its objectives in terms of rehabilitation."

There have been a number of reports that due to the high volume of prisoners needing offending behaviour work and a reduction in staff, programmes being run in establishments and prison cuts, there are extremely lengthy waiting lists and offenders are being released without having the oppurtunity to access work to ultimatly reduce the risk they pose to the public.

This in turn results in a high rate of recall which puts further pressure on the prison population.

The prison service has already come under fire after Steven Davidson, a 21 year old from Loughborough who was jailed for possession of a knife, with which he had threatened to harm himself

He was sent to HMYOI Glen Parva and had been told that he would be moved to a mental health facility when a bed became available, but he sadly killed himself in his cell in September 2013 before the move could take place.

He was assessed as a "low risk" of selfharm and suicide when he arrived and as a result he was not moved to a safe cell - where he would not have been able to hang himself.



Steven Davidson - failed by Glen Parva

An inquest into his death found that staff had failed to properly monitor him and were inadequately trained to help those who were vulnerable.

"It was like 'He's just another lad who's been sent to prison", his mother said.

An officer from Glen Parva said: "It is very, very difficult to monitor the lads because of staff shortages - we

just don't have the manpower to look after those who are vulnerable or need special attention."

"If someone is on constant watch, we have to sometimes call in staff from other wings, which means that wing then suffers. It's not our fault, because we can't be everywhere all the time," he added

Chief Inspector of Prisons, Nick Hardwick, said last month that there had been a "rapid deterioration" in prison safety in England and Wales.

It was also acknowledged by officials at a recent Justice Select Committee that they had underestimated the increase in prison population which has hit the system.

Co-director Deborah Coles of Inquest, a charity that provides support for families of offenders who die in custody, told reportersy: "We are sending far too many people to prisons that are ill equipped and ill resourced to deal with their needs."

"If we don't dramatically reduce those going to prison we're going to see ongoing deaths of men, women and children."

# Legal telephone calls between prisoners, solicitors and MP's are recorded



Justice Secretary Chris Grayling told MPs that an independent investigation would be conducted by the Chief Inspector of Prisons, Nick Hardwick after it was revealed that private prison telephone calls were recorded.

He issued an apology to the House of Commons after private and confidential telephone calls between prisoners, legal rep-

# Chris Grayling:

# "This is a serious matter and I would like to start by apologising!"

resentatives and constituency Members of Parliament (MPs) were recorded and possibly listened to by prison staff. Former Justice Secretary Jack Straw is amongst those thought to have been affected.

He said: "This issue stretches back to 2006 and primarily relates to the period prior to autumn 2012 when this Government made changes to tighten up the system.

"This is a serious matter and I would like to start by apologising to the House on behalf of my department for any interception of communications between a prisoner and their constituency MP"

The most recent tapping took place in 2012, between a prisoner and the office of the Lib Dem minister Simon Hughes, who is now Mr Grayling's deputy at MOJ.

Mr Hughes said: "I am angry. I am also absolutely clear we need to take action to prevent it happening, which is what has been done as quickly as humanly possible by the department responsible."

He added: "I am very concerned that we continue to uphold civil liberties."

The investigation by Nick Hardwick hopes to assure the Ministry of Justice by the end of this month that safeguards are now in place, and report by early 2015 on the full facts and make further recommendations to avoid future repercussions.

Grayling has said that there is no evidence to suggest that listening into private calls was intentional. He told the House of Commons:

"I have as yet seen no evidence that information was passed on to anyone else. I don't believe this was part of a concerted attempt to monitor – it was simply part of the routine checking of this process to make sure nothing untoward was going on.

"That is not however to detract from the fact that confidential

phone calls between members of this House themselves and their constituents in prison may have been recorded and monitored."

"It is unacceptable and I want to ensure that we have taken every reasonable step to protect the confidentiality of communications between prisoners and their constituency MPs," he added

This is not a breach of protocol, it is a fundamental breach of prisoners' rights and justice.

We will provide updates as and when they are received.

If you have any experience of this, please contact us.

# The Howard Leagues' success over book restrictions for prisoners

# The Ministry of Justice backs down and agrees to increase the number of books prisoners can have at any one time

The Howard League Books For Prisoners campaign won an **important** victory on Friday 7 November as the Ministry of Justice agreed to increase the number of books that prisoners can keep in their cells.

The National Offender Management Service (NOMS) has sent an "urgent" policy update to prison governors, granting them permission to allow prisoners to hold more than 12 books at a time.

The rule change, which has been introduced "with immediate effect", follows months of campaigning. Tens of thousands of people, including dozens of leading writers and the Prison Governors' Association, have called on the government to review restrictions which prevent families and friends sending books and other essentials to prisoners.

High-profile supporters of the campaign include the Poet Laureate Carol Ann Duffy, Salman Rushdie, Vanessa Redgrave, Alan Bennett, Sir David Hare, Samuel West, Mark Haddon, Monica Ali, Sarah Waters,

Monica Ali, Jacqueline Wilson, Julian Barnes, Kazuo Ishiguro, Samuel West, Kathy Lette, AL Kennedy and Joanne Harris.

Books For Prisoners has received media coverage across the world and the government's stance has been condemned by international writers and former prisoners of conscience including Pussy Riot's Nadezhda Tolokonnikova.

An equivalent campaign has been launched in Russia.

The NOMS policy update, dated 7 November, states: "Given the particularly important role books can play in rehabilitation, with immediate effect, governors may exercise a discretion to allow prisoners to have more than 12 books in possession where they are below their overall volumetric control limit. This amendment applies to books only."

The ban on sending books and other essentials into prisons remains in place, however, and the Books for Prisoners campaign will

continue until the policy has been fully reversed.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said:

"This is an important victory for our campaign. It is encouraging that the Government has recognised the important role that books can play in rehabilitation.

"But the campaign does not stop here. Petty and counter-productive restrictions on sending books and other essentials to prisoners remain in place, and calls for the Ministry of Justice to fully reverse its policy are only getting louder against a backdrop of ever more overcrowding, growing unrest and an alarming rise in the number of suicides behind bars."

Jo Glanville, Director of English PEN, said: "Lifting this restriction is a positive step, but it does nothing to solve the underlying problem: how do prisoners get the books in the first place?

"Access to prison libraries remains extremely limited, and the ban on family sending books directly to inmates is still in force. The Ministry of Justice must urgently rethink its Incentives and Earned Privileges policy."

The letter dated 7 November reads "I am writing to advise you of a small change to the IEP national policy framework (PSI 30/2013) as it applies to the volumetric limits on possessions that prisoners are allowed.

As you know PSI 30/2013 should be read alngside PSI 12/2011, on Prisoners' property. Read together, the policies currently allow governors discretion to permit prisoners who are at their volumetric control limits to exceed those limits where there are exeptional circumstances. This includes, in exceptional circumstances, permitting prisoners to exceed the numerical limits given to the IEP standardised facilities list for individual items.

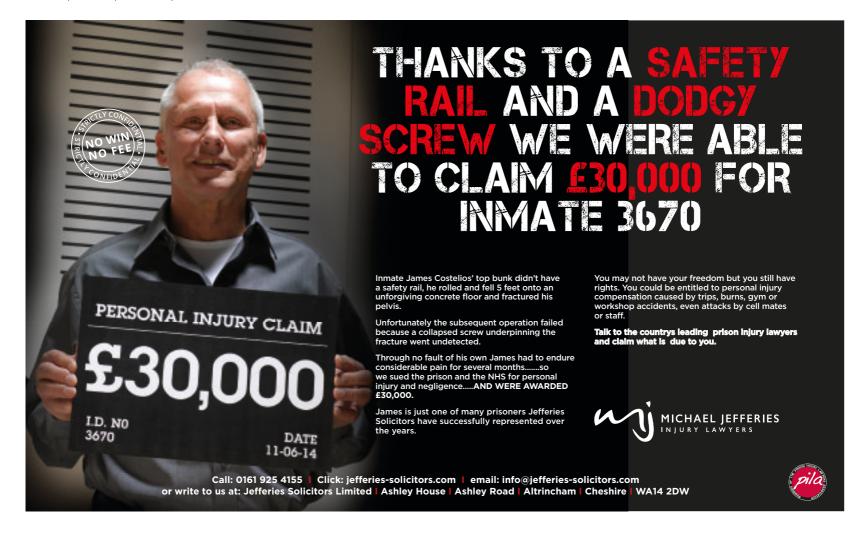
The policies do not, however, currently allow prisoners to exceed

the numerical limits on individual items if they are below their overall volumetric control limit. Given the particularly important role books can play in rehabilitation, with immediate effect governors may exercise a discretion to allow prisoners to have more than 12 books in possession where they are below their overall volumetric control limit. This amendment applies to books only.

The general 12 book limit on the standardised facilities list remains, as do the existing restrictions on sending in packages; this small change simply allows Governors discretion to enable prisoners who are below their overall volumetric control limit to hold additional books if a request is made.

For prisoners who are at their volumetric control limit, the position remains as outlined above and exceptional circumstances will be required for any additonal items to be allowed."

PSI 30/2013 is to be ameded to include the change.



# Stress free Parole Board oral hearings & what to expect

By Reise Griffiths Wright - Prison Law Expert - Prison Law Consultants

An oral hearing for most prisoners can be daunting and is often the very awaited end of a tedious and lengthy Parole Board review process.

In November's edition, we explained in a very helpful article, what you could do to avoid potential delays, but I want to highlight in this article how to approach your oral hearing to ensure that it is as stress free as mentally possible.

This final stage of the review process should not be the most terrifying stage, as by this point, yourself along with the assistance of your legal representative will have ensured that everything is in place for your oral hearing so any delays are avoided where possible, and that all the necessary information is gathered to achieve the best possible outcome.

I'm not saying you wont be nervous going into a room to discuss your past and your future with people that you have never met. However, you should be approaching the oral hearing with positivity.

This is the final step in the process that you have been going through for such a long time. It is your chance to discuss with the Parole Board your progress and what you would like to achieve in the future and as long as you are fully prepared, most prisoners find that it is not as daunting as first expected.

From October 2013, the law has changed dramatically following the Supreme Court case of Osborn, Booth and Reilly.

It used to be the case that legal advisers had to fight tooth and nail to secure an oral hearing for their clients, however guidance now outlines that the Board must view the concept of an oral hearing very differently and that "generally, the board should hold an oral hearing whenever fairness to the prisoner requires such a hearing in light of the facts of the case and the importance of what is at stake."

As a result, there are now many more oral hearings being listed and fairness to the prisoner must be the over-riding consideration when the Board decides whether to refer your case for oral consideration or not.

It can no longer decline an oral hearing merely because it's unlikely to make any difference (i.e no prospects of success) and the Board must not refuse to hold one in order to save time, trouble or expense.

The result is that the process has become a much

fairer process, given that most recall and determinate sentenced prisoners can now have an oral hearing to consider the facts in dispute, rather than the Parole Board simply concluding your case on the papers which through experience can often be a negative result.

It also allows post tariff indeterminate prisoners, who find themselves with no positive recommendations, a chance of challenging these recommendations face to face and discussing with the Parole Board directly, their progression and their future intentions.

The oral hearing process in itself is simple enough if you have a legal representative to handle all the timings and deadlines and guide you through the process.

This makes the process much more stress free, if you do not have to worry about the smallest details and trying to ensure that everything is in place from every report writer and witness prior to your hearing. This is what we are here for!

Once your review has progressed to an oral hearing, you will receive this in writing from the Parole Board, along with any further directions deemed necessary.

These further directions can be anything from addendum reports from probation, psychological assessments or documentation to support your case.

At this stage, it is essential that you consider with your legal representative what information has been requested and more importantly, what information hasn't been requested that you should requesting is added to the paginated dossier which would support your case and any application that you make, whether it be for a move to open conditions or a direction for your release.

You will then need to ensure that you obtain any independent assessments to support your case, any documentation that you feel is necessary and any witnesses that would need to attend the hearing. A

As last month's edition highlighted, it is essential that this is done as soon as possible, to avoid any future deferrals or delays in your case.

Your case will then be listed for an appropriate date, following which your legal representative will ensure that all witnesses are due to attend and the panel due to consider your case, has all the appropriate informa-

tion.

Your oral hearing will always be held at the prison in which you are located.

Your Offender Supervisor from the prison and Offender Manager (outside probation officer) should always be in attendance to provide evidence to the Board, along with any other professionals such as psychologists, psychiatrists or independent assessors.

On the day, your legal representative should attend the prison in advance of your hearing to ensure that everything is running smoothly. You will then be called into the hearing and introductions will be made by the panel. It is hopefully at this stage, that most prisoners feel slightly more relaxed.

Every witness will be questioned individually, with your legal representative having the opportunity of cross-examining all witnesses. You will also be asked to provide evidence to the panel, however you always have the legal right not to do so and no adverse inferences can be drawn by your decision not to give evidence.

The Parole Board wish to speak to you in person to ascertain who you really are. Remember, they do not know you and therefore need to speak to you to ensure that they hear your side of the story. They are not there to ask you trick questions or try to get you to say 'what they want to hear'. Your legal representative prior to your hearing should go through in detail with you the types of questions that should be asked, so you are fully prepared and to ensure that no topics are raised in the hearing that you didn't expect.

Once the Parole Board has gathered evidence from every witness, your legal representative is allowed to make final submissions to the panel to just re-iterate what has been said throughout the hearing and to ask the Parole Board to consider if you meet the tests for open conditions or release.

You will always come out of the hearing feeling skeptical, however the important point is that you got across everything that you wanted the Parole Board to hear in your case and all the appropriate information was considered. Remember, they will always focus on the negatives, as this is what is in dispute, this doesn't mean it will return a negative result!

A decision will almost never be given to you on the day and usually takes around 7-14 days to be received.

By this time, all the anticipated stress and fear will hopefully have subsided and you will be feeling positive about the future after you feel your oral hearing went as well as it could have!

# I hope this has provided some insight into the process.

If you require any guidance or specific advice about your case or you have an upcoming hearing that you may need support and guidance with, you can contact myself or my team.



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# **The Koestler Exhibition 2014**

The Koestler exhibition was held at the Southbank Centre in London this year until 30 November. Anna Whittaker, Prison Law Consultant Solicitor, attended the exhibition on behalf of Jail Mail.

The Koestler Trust has been recognising talented artists and writers in custody since the early 1960s, and has seen many famous authors and artists judging and curating entries from prisoners over the years.

Around 8000 entries for the awards are submitted annually, and each year an exhibition is held to showcase a small number of these to the public.

This year the exhibition, 'Catching Dreams', is showing at the Southbank Centre in London, and I attended Lawyers Reception on 4th November.

I have always been struck by the level of talent my clients show in the arts; I've represented many men who have submitted entries to the Koestler Awards, and several who have won one, and the standards are always impressive.

I wasn't surprised to find that the Catching Dreams exhibition held an equally impressive standard of work.

The Exhibition is divided into several sections, and this year each one was curated by a graduate from the Trust's mentoring scheme

All eight of the curators had the opportunity to view all of the submissions for the 2014 awards and choose the pieces to show in their section of the exhibition; not all of the pieces chosen had won awards, and the variety of work was intriguing.

One curator, we were told, had chosen all of the pieces in his section against one criteria; that all the artists were called Dave!

I was able to speak with Mik, who first submitted an entry to the Awards in around 2006, and has gone on to win several awards and be accepted onto the Koestler Scholarship scheme; he received mentoring from an artist prior to his release about 18 months ago, and is now working in a

He said that art had given him direction when he was in custody, and that receiving external recognition from the Koestler Trust for his work made him feel as though what he was doing had value – he was doing something he was passionate about, and someone else thought it was good.

Dame Anne Owers, the current Chair of Trustees for Koestler, (previously the Chief Inspector of Prisons) spoke at the Reception, and she described how she had seen the importance of artistic expression for those in custody on a regular basis. She felt that it represented a form of survival to so many, and could become a gateway into future work or study where perhaps formal education had failed in the past.

What Mik described and Dame Owers echoed, was a sense that being an artist can give offenders a new 'label', and that this

can form part of the change which takes place whilst serving a sentence in custody, whether it's long or short.

It seems that being recognised for something positive, and particularly something very personal, is often the nugget of encouragement that is sorely needed.

I am sure that anyone visiting Catching Dreams, whether they are connected with the criminal justice system or not, would come away agreeing that the level of talent amongst those in custody is so much higher than they might have expected.

Those of us working or living in the system know that this expectation is naive really, and so this change in public perception is a great step towards a realisation that all offenders are human and deserving of recognition for their achievements.

<u>By Anna Whittaker</u> Prison Law Solicitor



Consulting for Carringtons & Scott-Moncrieff Solicitors.

Can be contacted by writing to Freepost RTAB-BATB-HGAU Nottingham NG2 2JR"



Above:

Piece entitled: 'I have a Dream' by The Diversity Group at HMP Everthorpe



Above:

**Author Koestler by Stephen** 

HMP Peterborough Platinum Award Winner

This piece was made entirely out of books in response to the new rules implemented by the Ministry of Justice in November 2013 preventing loved ones sending books into prisons. Since then, the MOJ have very recently amended the books policy slightly by allowing inmates to have more than 12 books in their possesion at one time (please see page 5 for further details). Sadly the blanket ban on sending books in continues but is subject to onging challenge by the Howard League for Penal reform.



Above: Fantastic painting adequately named 'My Dream' by a serving prisoner at HMP Shotts

# Psychology and the Law: By Dr Ruth Tully and David Parker



Welcome to the third 'Psychology and the Law' column written exclusively in JailMail.

Our experienced professionals will give monthly insight into research, legal and practical developments, whilst also being very happy to answer any related questions.

You can contact our experts through JailMail by emailing or writing to us at the following address:

### askanexpert@jailmail.co.uk

Ask an Expert Jail Mail PO Box 10419 Nottingham NG2 9QF

### Our experts:

**Dr Ruth Tully** is a Consultant Registered Forensic Psychologist and will each month provide a Psychologist's view on developing areas of forensic psychology.

She will answer some of your questions, give information and provide clarity on issues that give rise to commonly misunderstood topics such as psychopathy.

<u>David Parker</u> is an experienced Solicitor, Partner and Head of the Prison Law department at Carringtons Solicitors, the largest provider of Prison Law advice in England and Wales.

He is a regular advocate before the Parole Board and will answer any legal queries and explain in context what practical steps may be taken to protect your interest and advance your case.

Following last month's explanation of the training and regulation of HCPC Registered Forensic Psychologists, this month's issue will explore the topic of risk. Dr Tully explains some important aspects related to risk assessment and management.

### The significance of risk

Whilst detained in prison, having been convicted of an offence whether sexual, violent or otherwise, those involved in your treatment and management need to consider how likely it is that you might commit a similar (or even a different) offence in the future.

Your risk areas/level, as assessed by professionals,

may determine the conditions in which you are detained, your ability to make contact with your supporting friends or family and significantly whether or not you can be safely released from prison.

Experienced professionals will consider risk because their job is to work with you collaboratively to help manage or reduce it.

### What is risk assessment?

Risk assessment is "a systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking". In other words an opinion formed from reviewing evidence relating to what may be problematic about a certain situation or environment. Its purpose is not to condemn, but is to manage risk effectively and support you in reducing any risks to a more manageable level.

Risk assessments cannot predict risk, because assessors can't be certain about likelihood of reoffending. Understanding what is of a higher risk and why, helps people to know how and why to put safe measures in place to make that risk more acceptable.

#### How is risk measured by Forensic Psychologists?

The risk of someone re-offending and the likely risk of related harm involved is very difficult to assess. There are many recognised tools specifically designed to help. You may have heard of some of these tools, or had them applied in your case e.g. OASys, Risk Matrix 2000, SARN, SARA, OVP, OGRS, HCR-20v3, RSVP. The list of tools that are available to help assess risk is long, but the tools mentioned here are those commonly used in prisons. In future editions I will explain some of these tools in more detail.

Risk assessment tools usually originate when authors explore the research into which factors are linked to risk of future offending. These factors can then be put together to make a risk assessment tool, and it makes sense that individuals who have a higher number of active risky areas may pose a greater risk of reoffending. Some of these tools assess whether the risk factor has ever been present for an individual, and some also consider whether that risk factor has reduced or is more manageable now, by considering recent behaviour and progress.

Psychologists examine the more psychological, and therefore often more changeable, aspects of risk. Psychological aspects of risk can be very difficult to measure when compared with more static and factually based factors. For example it is easy to count how many court appearances you have, but it is difficult to assess how much self-awareness someone has.

# What about parole?

A psychological risk assessment can be important when the Parole Board are considering the range of factors that they have to carefully examine when making important progression related decisions. The Parole Board doesn't solely rely on psychological assessments of risk, because input from others involved in your case also informs their decision-making. There may be many reports that Parole Board members review, as well as listening to oral evidence from witnesses before they make their decision.

Psychologists are specially trained in assessing risk factors, and a large part of a prison psychologist's job can be to assess risk and write parole reports. If you have ever had a psychologist or trainee psychologist write a report for your parole review, it is likely that they conducted a semi-structured/structured risk assessment, and that they wrote about this in the report. If you are having a report written, the psychologist should explain the assessment that they are conducting and you can ask about the tools they are using to assess you.

When you see a psychologist for interview, you are asked to give 'informed consent' to be interviewed. Consent can be a verbal or written agreement. 'Informed consent' means that you understand the nature of the interview, nature of the assessment and other important issues such as the limits of confidentiality.

In relation to the nature of the assessment, you can ask the psychologist to explain which particular risk assessment tools they are applying in your case, what these tools are and why they have chosen to use those risk assessments. This could help you to give informed consent to be interviewed for the assessment.

## What if professionals disagree about my risk?

Professionals might disagree when assessing the same psychological risk factor, because the risk factor might involve some element of subjectivity. This is especially relevant when assessing if someone's 'risky' areas are now manageable in less secure conditions or in the community.

Professional disagreements can occur between two psychologists who have different views, and between psychologists and professionals from other disciplines e.g. Offender Manager/Supervisor. Through open and active discussion between professionals and the client, robust risk management plans can still be put in place despite professional disagreements.

Ultimately the Parole Board are independent and they make a decision based on all the evidence, taking on board any disagreement when carefully reaching their decision

If you are unsure about disagreements, risk or parole, you can speak to prison staff or your Solicitor who will help you. Legal advice can be important in relation to risk assessment and parole.

To have your questions answered by one of our experts, please email us at: <a href="mailto:askanexpert@jailmail.co.uk">askanexpert@jailmail.co.uk</a>

Alternatively, write with your name, prison number and location to:

Ask an Expert, Jail Mail, PO Box 10419, Nottingham, NG2 9QF



#### **Your Questions Answered**

We received many letters this month in relation to mental health and personality disorders, as well as letters about risk.

Ruth and David will try to provide as much information as possible to help answer your concerns but please remember that they cannot discuss the specifics of your case, and they can't put you in touch with other services.

Speak to your Solicitor if you wish to explore if an independent psychological assessment would benefit your case, and your solicitor will know about funding options.

If you don't have a Solicitor, ask prison staff to help you find out how to access one.

#### Question

"I didn't commit the offences I am in prison for and I can't access many treatment programmes because of this. A psychologist is doing a risk assessment on me for parole, but how can they do this if I can't even access groups?"

#### **Answer**

#### Dr Ruth Tully answers:



Risk can still be assessed if you deny that you have committed offences, but it is sometimes more difficult to conduct risk assessments in these circumstances.

This can be because the psychologist can't work with you to see why you think you committed the offence in the same way that they might work with an individual who admits to the offence that they have been convicted for.

This is the same reason that psychological treatment can often be different for those who maintain their innocence; the way in which someone would need to work with you is different.

An example of this is that someone who denies committing sexual offences cannot usually be placed on a standard Sex Offender Treatment Programme (SOTP) because SOTP is designed for those who can discuss their offences and they would need to accept that they committed them in order to do this.

In relation to risk, the psychologist can still work collaboratively with someone who maintains innocence.

The psychologist will choose the psychological risk assessment tool that they will use in your case carefully, because some risk assessment tools can rely on exploring the thinking in the lead up to the offence more than other tools.

If your stance is that there wasn't an offence, this type of exploration may not be helpful and this may influence the psychologist's choice of tool

Even though you maintain that you didn't commit offences, the psychologist can still take a collaborative approach of exploring and discussing your thinking and behaviour across your life and around the time that the court found that you committed offences.

There may have been problems in your life that contributed to your current position (being in prison), e.g. relationships, alcohol misuse, and these could be highlighted as areas to examine within some form of psychological treatment.

This would not require you to change your stance, but could assist you in developing skills and strategies that may help your life in the future.

In summary, a thorough, comprehensive and collaborative risk assessment can still be undertaken with those who deny that they committed offences, through the psychologist considering your viewpoint and a range of other information.

Your Solicitor should know all about this and be able to give you good advice.

I wish you well with your parole application.

#### David Parker adds:



It is a long standing, recognised and well understood principle that maintaining innocence cannot present as a bar to progression in prison, and ultimately your release.

Other issues related to your presentation and observed behaviour would often enable an as-

sessment to be undertaken about whether your "current" risk is being reduced in any event.

For example if you are in prison for a violent related offence (that you deny) and have since behaved very well in prison i.e. with no Adjudications etc. then whether or not you committed the original offence, the Parole Board would be able to weigh that against a mature and responsible prison record.

In truth the environment within prison and day to day issues make positive behaviour probably much more difficult than being in the community.

Typically proving that risk has been reduced in relation to sexual offending is harder to establish.

Psychologists may disagree in relation to the validity of some elements of research, but one factor that they all agree with, is that risk of sexual re-offending falls with age.

The common difficulty in proving risk reduction is that without the structured intervention, the prison service has little to offer by way of alternative.

But then this is not your fault. Do not accept the lack of resources to be a satisfactory explanation

It is your liberty that will be withheld.

Good luck with your parole application, I hope it goes well.

David.



Next time in Psychology and the Law:

We discuss the important topic of:

#### Risk: focus on risk assessment tools

David and Ruth will also be answering more of your questions about issues that directly affect you!

To contact our experts and have your questions answered, please write to:

Ask an Expert Jail Mail PO Box 10419 Nottingham NG2 9QF

Please note: Ruth and David's views are their own and do not represent any organisation.

Dr Ruth Tully is a Consultant Forensic Psychologist (HCPC Registered & BPS Chartered). She is Director of Tully Forensic Psychology Ltd., which is a private practice that provides independent psychological assessments nationwide. Ruth and her team of Associate Forensic & Clinical Psychologists assess prisoners across the UK, specialising in parole reports. Independent reports can be funded through Legal Aid & we work with various Solicitor firms across the UK. You can ask your Solicitor to contact Tully Forensic Psychology.

David Parker is a

Solicitor, Partner and Head of the Prison Law department at **Carringtons Solicitors**, the largest provider of Prison Law advice in England and Wales. David has held seat on the Executive Committee of the APL on two occasions. His practice provides a nationwide service, specialising in work with indeterminate sentence prisoners, those recalled to prison and adjudications.

#### A - Z Indeterminate Pre Tariff Reviews

What you need to know By Prison Law Consultants

There are two processes you need to be familiar with, these are Pre Tariff Reviews" and "Pre Tariff Sifts"

#### 1. Background

Previously all pre tariff indeterminate sentenced prisoners with a tariff of over 3 years, would be entitled to have their case referred to the Parole Board for a Pre Tariff Review.

However, this changed due to the ever growing number of indeterminate sentenced prisoners, and as a result PSI 33/2009 was introduced.

This PSI seeks to manage the resources of the Ministry of Justice and the Parole Board effectively by ensuring that only those indeterminate sentence prisoners who have reasonable prospects of achieving a positive recommendation from the Parole Board now proceed to have their case considered by a panel of the Parole Board.

#### 2. Pre Tariff Sift

A <u>Pre Tariff Sift</u> is the name given to the process undertaken by the prison at the time of your sentence plan, normally by your Offender Supervisor, Offender Manager and any psychologist involved in your case.

It is the prison's role to decide whether to recommend a case for a Pre Tariff Review.

The <u>Pre Tariff Review</u> is the Parole Review itself, this is a review by the Parole Board who will arrange for a dossier of reports to be completed and you will have the opportunity of submiting representations and on occasions attending an oral hearing to argue for your move to open conditions.



The Pre Tariff Sift takes place within the prison at a Sentence Planning and Review Meeting (SPRM).

A Pre Tariff Sift will determine your suitability for referral to a Pre Tariff Review based upon the likelihood of a Parole Board recommending your move to open conditions.

It is mandatory that the prison notifies you that a Pre Tariff Sift will be considered at the SPRM so you can obtain advice and have an opportunity of submitting representations.

#### 3. Who is eligible?

All prisoners serving a tariff of over 3 years are eligible to have their case considered at a Pre Tariff Sift.

However, unless you have exceptional circumstances, you will be presumed unsuitable if you are:

- Category A status;
- Assessed within the OASys assessment as high/very high risk of harm;
- Recorded as escaping or attempting to escape in the last 2 years;

- Recorded as previously absconding or attempting to abscond from escorted absence or open conditions in the last 2 years;
- Recorded as having a proven adjudication for serious violence within the last 12 months.

#### 4. How the process works

It is important that you are aware of the process, but normally it will be the responsibility of your case administrator at the prison who will identify that you are suitable to be considered at a Pre Tariff Sift.

All individuals involved in your case will be requested to write reports at least 4 months prior to the commencement of any potential Parole Board review.

Staff with direct responsibility for supervising you will consider whether you are suitable for a Pre Tariff Review taking into account offending behaviour work completed, your behaviour and overall risk reduction.

Reports will then be prepared with appropriate recommendations and at this stage you will be informed that the SPRM is going to take place and you have the right to compile and submit representations to be taken into consideration by report writers on your SPRM.

If you have instructed a solicitor to help with your review, it is important that you contact them well in advance so deadlines can be met, reports can be obtained and considered and representations can be submitted in plenty of time. If they are submitted after your meeting, there is no guarantee that they will be considered by the prison at which time it may be too late.

The Pre Tariff Sift should ideally take place at least 2 months prior to the commencement of any potential Parole Review.

After your SPRM, a recommendation will be made and finalised by the Governor who will determine whether to recommend that your case should be submitted to the Parole Board for a full Pre Tariff Review.

#### 5. The Decision

When the decision has been made, the Governor can either:

- conclude that you are automatically excluded from having your case referred for pre tariff review;
- Recommend that an exceptional pre tariff review takes place, or;
- Recommend that despite negative recommendations, your case should be considered by the Parole Board in any event.

If the governor makes a positive recommendation that the case be sent to the Parole Board, as mentioned already the Parole Board will then arrange for a dossier of reports to be completed and you will have the opportunity of submitting representations in support of a move to open conditions.

In all cases, the Parole Board has to decide whether the risk posed to the public by the prisoner is low enough to allow the prisoner to be transferred to open conditions.

You will also be able to request that your case is considered by an oral panel

of the Board where you will be able to sit opposite the panel face to face and argue for your progressive move to open conditions.

#### 6. Appeals

You have a right to appeal against a decision by the prison not to refer your case to the Parole Board for a pre tariff review and this can be done via the internal prison complaints procedure.

It is mandatory for the the Governor who makes the decision to record detailed notes which will then be considered by the individual who deals with your appeal.

The individual who is tasked with the job of reviewing your appeal should not have been part of the original SPRM at the time your referral was considered.

If you disagree with the final decision or you believe that the correct process has not been followed, you have a right to contact the Prisoner Casework Section and/or the Prison and Probation Ombudsman to have the procedures of your specific case reviewed.

#### 7. If the Parole Board does not recommend open conditions

Once the Parole Review has concluded you will receive the written decision in 7 - 14 days.

If the Board decides not to recommend your transfer to open conditions,



the decision will be sent to the Secretary of State via the PPCS who will then set the timescale for the next parole review, which will usually be at the date of your tariff expiry.

In limited circumstances, it is also possible to apply for a review of the parole board's decision by way of

judicial review. You should always consult a specialist prison solicitor about your case in these circumstances.

However, in certain exceptional circumstances you may be able to argue for a further review before tariff expiry.

It is important to note that there is no guarantee of another review and a new pre tariff review will only take place when it can be shown that there has been a further significant reduction in risk and report writers now recommend a progressive move.

Examples of when it may be possible to argue for a further review before tariff expiry, are:

- More/new offending behaviour work has since been completed which has resulted in a further reduction in risk;
- The Parole Board made a specific recommendation for a further review, after for example a new risk assessment which has now been carried out and the subsequent report writers now recommend a progressive move;
- Attendees of the previous Pre Tariff Sift who did not support a Pre Tariff Review are now recommending your progression to open conditions:
- Any other significant factors that demonstrate a further reduction in the risk you present.

Look out for next month's issue for another helpful A -Z guide

# Record number of mobile phones found at HMP Kirkham in 12 months

Figures have been released following a written question raised in Parliament, that 488 mobile phones were found in the last 12 months at HMP Kirkham.

This is the highest recorded seizure, 200 more than any other prison in the whole of England and

Wales and nearly one mobile per inmate at the D category prison which currently holds 562 prisoners.

The National Offender Management Service has begun supplying prisons with mobile

phone blocking technologies, but not all.

The Ministry of Justice has refused to disclose to reporters whether HMP Kirkham uses mobile phone blockers to stop prisoners using banned handsets.

A spokesperson said: "Mobile phone blocking technologies have already been trialled in ten prisons and in October 2013 a further

300 short range portable mobile phone blockers were rolled out to prisons.

Prisons minister Andrew Selous said: "This Government is clamping down on the use of mobile phones in prisons, and seizures have increased.



as well as body orifice scanners."

The 2nd highest recorded seizure of mobile phone devices was at HMP Altcourse who recorded a total of 290.

The total of mobiles found in 2013 was a whopping 7,451 one thousand of which were found just in North West establishments.



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# MOJ confirms that action is being taken to recruit a Midlands based "reserve prison force" to help with current crisis

Job advertisements were launched last week to recruit officers to work in prisons such as HMP Brinsford, Featherstone, Stafford, Drake Hall and Swinfen Hall, the Ministry of Justice has now revealed.

The team of back up officers is being put together as there are 700 fewer officers staffing the West Midlands' jails whilst the Howard League for Penal Reform warns that the prison system is in major crisis.

Research by the charity has found that officer numbers have been cut from 1,917 to 1,180 – a drop of 38 per cent – since 2010 and a total of 90 officers have been leaving the prison system every month.

According to the charity there are 107 fewer officers working at HMYOI Brinsford and HMP Featherstone has 50 fewer officers than it did in 2010, representing a drop of nearly 50 per cent at Brinsford and 33 per cent at HMP Featherstone with Brinsford seeing the third-highest drop in the region.

A spokesman for the Prison Service has said:

"Frontline staffing levels in prisons are being boosted by the ongoing recruitment campaign, and the establishment of a reserve force of staff who can be called on when needed.

"We do not underestimate the hard work prison staff carry out each day in their duties to rehabilitate offenders and protect the public".

Brinsford Young Offenders' Institution was rated as Britain's worst prison when it was reported that it had numerous poorly furnished and dirty cells which contained graffiti.

Other prisons have come under fire such as HMP Stafford, which was criticised for its low staffing levels.

It was said that prisoners did not get the right rehabilitation work required to allow them to reduce their risk, a concern which has also been raised at other establishments recently such as HMP Whatton located in Nottinghamshire.

MP Gavin Williamson said:

"In some ways it is disappointing that these officers are not going to be in prison on a full-time basis but I welcome the fact that they are taking measures to ensure that when shortages occur they are properly dealt with and people are put in place straight away.

"That is what we want to see.

"It is absolutely essential that the prisons

operate with a full complement of staff to ensure their security and safety and that of the prisoners."

A letter had been sent to former prison staff earlier this year explaining that Her Majesty's Prison Service Reserve will be out together to 'respond to particular short-term pressures in prisons'.

This could be a result of the unforeseen increases in prisoner numbers or as a potential response to the 'operational pressures which surface from time to time' due to current prison service cuts.

Officers have been struggling to cover duties of others and some prisons have seen segregation managers cover basic admin roles as a result of the staff shortages.

We have previously reported how officers have been regularly sent on detached duty to prisons across the country at the cost of approximately £500 per week to help with overcrowding and prison officer cuts.

Whilst the new reserve force is welcomed by the service and a much needed resource to help tackle the prison crisis as it currently stands, so far these are only short term plans and a long term plan needs to be established to help bring the prison system back from the brink of instability .

# Having a laugh

It was Mickey's first night in prison. All of the inmates were in their cells and he was trying to become a bit more comfortable with his new surroundings.

As he leaned against the bars at the front of his cell, Mickey heard a voice call out "44" and the whole cell block erupted into laughter!

Another voice called "16" and again there was laughter.

A third voice called "62" which was followed by laughter throughout the block

Mickey didn't know what was going on so he banged on his cell wall.

"Yeah, whaddaya want?" came the gruff reply from next door.

"What's going on, here?" asked Mickey

"Well," said the other inmate,

"down in the prison library there's only one joke book. We've all read the book so many times that we don't waste time telling the joke, we just call out it's number."

So the next day Mickey went down to the library and, sure enough, found the yellowed, dog-eared joke book and read it from cover to

That night, wanting to be part of the group, Mickey confidently called out "44" and everyone laughed! He tried calling "16" and "62" and again there were peals of laughter. Then he called 57, and the halls rang with laughter.

After several minutes, one prisoner was still rolling on the floor laughing. More minutes - still laughing.

Mickey banged on the cell wall.

"Yeah, waddaya want?" asked the other inmate.

"I don't understand it," asked Mickey, "Why is Tommy STILL laughing?"

"Well," said the gruff inmate, "He'd never heard that one before!"



# Remand Prisoner dies after choking on illegal substance received on friends visit

Paramedics sadly pronounced Mr Ali dead upon arrival at the London prison.

Mr Adil Habid, 20, a remand prisoner, accused of burglary being held at HMP Pentonville has died after choking to death on a drugs package received on a prison visit.

Mr Habid collapsed after a strip search following allegations of receiving the unauthorised article from a friend in the visits hall.

He is believed to have hidden the substance in his underwear before swallowing it when approached by officers.

Mr Habid was taken to a different area of the North London prison and restrained when he refused to be searched.

When he started choking, prison officers tried to free the obstruction from his windpipe by grabbing him from behind and using the Heimlich manoeuvre, which proved unsuccessful.



Inmate pronounced dead at HMP Pentonville

A source told reporters that:

"Officers tried to dislodge the package while others rang 999.

"They worked on him for 15 minutes until paramedics turned up and took over.

"But despite everything, it was too late and Mr Habid was pronounced dead at the scene."

Paramedics eventually managed to remove the lodged item using forceps.

HMP Pentonville was heavily criticised earlier this year when the Chief Inspector Nick Hard-

wick reported that the establishment had very high levels of drug use among inmates.

The report raised concerns that drug abuse at the prison had to be tackled as nearly one in six of its 1,236 inmates at the time were receiving treatment for opiate addiction and illicit substances which were considered to be easily obtainable.

The Prison Officers' Association's Michael Rolfe from the Prison Officers' Association aid:

"This is a tragic death. Officers did everything possible to try and save this inmate using recognised procedures. Our thoughts are with his family."

As with all deaths in custody the Prison and Probation Ombudsman will be conducting an independent investigation into Mr Habid's death.

The friend who smuggled the package into the prison has been arrested and is subject to an ongoing police investigation.



8 December 1980

Beatles musician John Lennon is assassinated in New York City



The Beatles' musician John Lennon was shot and killed outside of his New York City apartment on the night of Dec. 8, 1980. Lennon and wife Yoko Ono were returning from the recording studio to their home at The Dakota when 25-year-old crazed fan Mark David Chapman shot him at close range. Earlier in the day Chapman had been hanging around The Dakota with other fans and asked Lennon for an autograph.



Fans pay tribute to Lennon at Central Park's "Imagine" sign, located at the Strawberry Fields region. Strawberry Fields opened on what would have been Lennon's 45th birthday, 9 October 1985.

Large crowds gather each year for a vigil on the anniversary of his death, but on any given day visitors will find roses laid around the sign and fans snapping photos of themselves with the iconic image.

Chapman was sentenced to 20 years to life for killing Lennon and is serving his time at New York's Attica Prison.

When Barbara Walters asked why he did it, Chapman replied with a straight face, "I thought by killing him, I would acquire his fame.

#### 9 December 1982

Buckingham Palace announced the separation of Prince Charles and Princess of Wales, Diana.

On 9 December 1992 the Prince and Princess of Wales announced their separation.

The Prime Minister John Major issued a directive from Buckingham Palace making it clear that "Their Royal Highnesses are not seeking a divorce" and that "Their position in the constitution remains the same."

News of the separation followed years of speculation about the state of their once "fairytale" marriage amid whispers of infidelity on both sides - the most notable of which was Charles' alleged affair with Camilla Parker-Bowles, whom he later married



16 December 1944

#### The Battle of The Bulge began

On this day, the Germans launched the last major offensive of the war, Operation Mist, also known as the Ardennes Offensive and the Battle of the Bulge, an attempt to push the Allied front line west from northern France to northwestern Belgium.

The Battle of the Bulge, so-called because the Germans created a "bulge" around the area of the Ardennes forest in pushing through the American defensive line, was the largest fought on the Western front.

The battle raged for three weeks, resulting in a massive loss of American and civilian life. Nazi atrocities abounded, including the murder of 72 American soldiers by SS soldiers in the Ardennes town of Malmedy. Historian Stephen Ambrose estimated that by war's end, "Of the 600,000 GIs involved, almost 20,000 were killed, another 20,000 were captured, and 40.000 were wounded."

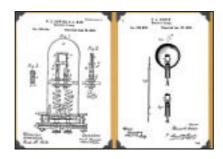
The war would not end until better weather enabled American aircraft to bomb and strafe German positions.

#### 31 December 1879

# First Public Demonstration of Thomas Edison's Light Bulb

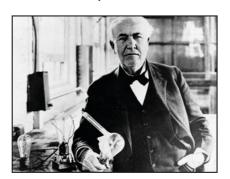
It was on December 31, 1879 that inventor Thomas Edison gave the first public demonstration of his revolutionary incandescent bulb.

After years of work and thousands of experiments, Edison gave the first public demonstration of the incandescent light bulb at his laboratory in Menlo Park, New Jersey.



An incandescent light has a thread-like object, or filament, that gives off light when heated to incandescence (hot enough to emit light) by an electric current.

Edison was able to spend so much time on this invention because, thanks to his reputation as a successful inventor, he had the support of some leading financiers of the day. J.P. Morgan and the Vanderbilts established the Edison Light Company and advanced Edison \$30,000 for research and development.



Thomas Edison poses in his laboratory

# **Y**our Say

Each month we print your letters so you get to have your say. If you want to share your views on any issues important to you, please do not hesitate to write to us.

Every month we will print your letters and comments about previous editions, news articles and issues

Dear Mr Luke,

I wanted to thank you for your article that I read with great interest in November's edition about Parole Board delays and how these can potentially be avoided.

I myself am a serving life sentence prisoner and have only just been through a Parole review. I wish I had contacted a solicitor at the beginning but thought as I had been in the system for many years and had completed all that was required of me, I would be able to deal with this as I saw it as an "easy" process. Wow was I wrong!

I had been given a target date which I understood would be the date for my review by the Parole Board. I had been told that a dossier would be prepared and I would be interviewed by prison staff who would have their say and make any recommendations for the Parole Board to consider.

I had interviews with my outside probation officer by telephone, someone who I have never met, they were changed recently and had no knowledge of my case.

They said that they were however impressed by the initiative taken by me to complete work off my own back and I had met my sentence planning objectives in full.

They said that they could see no reasons why I needed to stay in a Cat C prison and would look at my move to a Category D prison. This was all new to me but as it was progress I was happy to go along with this view!

I was also seen by my inside probation officer who agreed with my outside officer.

I want to say that I am an enhanced prisoner, have had no adjudications so could say I am a model prisoner as I have been referred as previously.

I was given my dossier just over a month later and couldn't believe what I read!

My outside probation officer had said that I had further work to do, they had concerns that I was "impression managing" this was a new term to me but I now understand it to mean that I was just telling them what they wanted to hear. Which I deny.

He also raised security concerns that were on my file, I had never been told about these but here they were in front of me and my probation officer was using these to stop my progress.

My Offender Supervisor still recommended by progressive move but when the case was looked at by the Parole Board by someone called an "ICM member" I got a letter to say that as I had been of poor behaviour and as there were recommendations for more work I didn't need to have an oral hearing!

I appealed this with the help of staff whose help I found invaluable and was then given a recommendation for an oral hearing.

I had to wait about 5 months before my case was listed and by this time I had ANOTHER new probation officer outside who attended the hearing and had no knowledge of my case.

Luckily when he was questioned by the Parole Board, he said that he didn't know why further work was recommended but he couldn't make a recommendation for open conditions as he didn't know me and wanted time to meet with me an assess my risk.

Everyone else recommended open but my case was adjourned to allow me to get to know my new probation officer who 3 months later still hadn't been to see me and had now left the team.

I felt like I was powerless, my life was in the hands of someone I had never met before and I had no help whatsoever! I spoke to my inside probation officer who was a god send and guided me through the process.

When my case went back before the Parole Board nearly 4 months later, they were sympathetic with me, the Parole Board said that they would not take into consideration the security reports as these could not be relied upon (thank god) and if I had been of bad behaviour I would have had adjudications and lost my enhanced.

They seemed very experienced and put me at ease. It is difficult speaking to people who you have never met and have so much power over you.

I had a new probation officer who was shouted at by the Judge for failing to attend, they were doing the hearing by telephone conference as it was too far to travel and they could not justify a day out of the office which I was told was the "norm" these days due to probation cuts. It

may be the "norm" but this was my life that was at stake and I thought that probation were meant to fulfil you with confidence.

The hearing finished and I got the decision in less than two weeks. The Judge told me that it can take up to 14 days.

I then had to wait nearly 8 weeks to get my "rubber stamp" from the Secretary of state but I am delighted to say that I got my category D status and I now sit here in an open prison having had town visits and home leaves and have a light at the end of the tunnel.

It all ended well for me but the process was stressful and traumatic at times and I felt like giving up on it.

I want to share my experience which I have been told by others is similar to what they have encountered.

I will certainly be contacting a solicitor to help for my next review. I don't think the process is difficult but when you are relying on others and when release is at stake I want to make sure that it all runs smoothly this time.

No one prepares you for your review and whilst we do have support in here, I can see that there are numerous problems that can happen especially with probation.

I now have another new officer who I know won't see me before my review which terrifies me but I want to make the most of it and will try to see him when on another home leave.

I have been told that I can be knocked back if I haven't used my time to get to know my probation officer and some have had their Parole review put back for 6 months just to meet their probation officer. Something which I know I will be doing!

I just want to share with others that it is important to get as much into place as you can as you don't know what may appear when you get your parole papers.

I could have been left in a category C prison with recommendations for work which I know would not have been made available. I have heard on the news and radio about prisons not having resources to offer work.

I have heard stories of risk assessments being re-done and new personality disorder assessments which can place people back in the system for years!

Thankfully mine turned out ok in the end but the process took longer than it should and I have heard from others who have had to stay where they are because of inaccurate security information, or a lack of recommendations by officers they have never even met.

Don't put things to chance, plan ahead if you can and prepare as much as you can and hopefully you won't experience what I did. Now in open conditions I have to make sure that I have been tested enough and have to show that I can be trust worthy.

I know I have to make sure that I have secured accommodation and that I have a risk management plan in place, things I never properly thought about before, I just trusted that they would be done and that was that.

I am making sure that I can get my solicitor to contact my probation officer in advance to ask whether bed spaces are available and when and where I will have to "check in".

I have double checked that there is no more assessments or work I have to do here and they are happy with what I have done so far.

I appear to be almost there and look forward to see what the future outside of prison has to offer.

I hope this has helped someone who may be going through the same but remember don't give up and if you feel lost or helpless don't be too proud to ask someone for help!

 $Good\ Luck!$ 

**RF - HMP Leyhill** 

Dear Jail Mail,

I heard on the news about my prison and the problems with getting access to work. I can only agree, I have been here for nearly 2 years now, I moved here especially from another Category C prison with the promise of completing work sooner than I could have if I stayed at my last prison.

I need to complete a HSP course and have been waiting since I arrived.

I have never even had a proper

assessment but have been told that I am low priority and have seen people come here do the course and move on!

I am an IPP prisoner and thought that it was illegal to hold me here without any work being offered.

I have been told objectives need to be "SMART" - specific, measureable, achievable, realistic and time bound.

I have contacted my solicitor and I am now challenging the prison and have been told that my "detention is unlawful" I can only be released when I had reduced my risk and I am not given the chance to do so by the lack of work offered and made available.

I accept that in the early stages of my sentence I was a bit reluctant as I didn't want to talk to people I didnt know and I didnt trust anyone but after completing the SOTP I found it really useful and saw how teh completion of work can help me for the better. I have been motivated every since but now I think why should I bother!

I have now been told after two years that if I want to complete the course I now have to move BACK to HMP Risley where I may be suitable for the work as HMP Whatton can't offer it to me anymore.

I feel I have wasted 2 years here, I havent been offerred any help and will make sure that I challenge this.

I am taking advise at the moment but just want to warn anyone, make sure you get assessed for work before you move and are given false hope!

Letter by:

Name Supplied - HMP Whatton

Dear Jail Mail

I was an enhanced prisoner for two and a half years, suddenly on 17 September 2014 my cell card was changed to standard and my personal officer said " I know nothing".

A downgrade review notice was then served on me stating "failig to engage with any sentence plan or offending behaviour work" and I was ordered to sign a standard compact agreeing to that status.

If you would like to have your say and contribute to next month's edition, please write to us at:

Your Say Jail Mail PO Box 10419 Nottingham NG2 9QF



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(Solicitor)

ephen Luke Emm







Reise Griffiths Wright (BA Hons)

Telephone: 0115 9578878

Write to us at: Prison Law Consultants, 1 Arkwright Street, Nottingham NG2 2JR

which I refused to do.

I believe my removal of enhanced IEP status was illegal because I was not allowed to make any representations before the decision was made in breach of Bowen [1998].

I was then immediately downgraded again that day to basic and my TV was removed for not signing the standard compact.

PSI 30/2013 reads:-

"3.1\_\_\_ If the prisoner refuses to sign the compact the presumption will be to put them on basic regime unless all other aspects of the individual's behaviour and performance are acceptable".

I have now been on basic for 52 days and I am told I must remain so for the rest of my sentence.

The Parole Board told me that the sentence plan is optional and there is no law requiring any prisoner to follow the sentence plan (The sentence simply being to serve time in prison without conditions attached).

The Governor told me "We are not trying to force you to sign the compact" but my association and library times are severally restricted and often denied.

Clearly I have not violated any rule, but I am being punished daily. I know other prisoners around the country have had the same experience.

JP - HMP Channings Wood

Dear Stephen,

I saw that in December's edition you will be putting a guide together for Pre Tariff reviews and just wanted to share my exerience which may add to your guide.

I am a serving IPP prisoner and have just been through the pre tariff sift process.

I spoke to other lifers who have been in for years over their tariff and have been through the process before.

They explained to me taht they had a review that was referred to the Parole Board without teh need to have a "sift" by the prison.

I only realised that the procedures changed only a few years ago which I think are for the worse.

If only the Parole Board can recommend my move to open conditions how can the prison and staff who I rarely see make a decision for them and decide that the Parole Board should not even get to look at my case.

I had my sentence plan review/ pre tariff sift five months ago. I had been told a few years ago that I had a long term target of the HRP. I have never been assessed, through no fault of my own I must add and I have been told that I am not a high priority and as it is a long term target it wont yet be explored.

However, as the HRP has not been completed and removed from my sentence plan I have outstanding objectives and it was recommended that I remain in closed conditions for the course to be completed in the next three years.

There is even no guarantee that I will be suitable for it

Where do I stand then....

I didn't do any representations and wish I had now as it has proven difficult... nearly impossible to get the prison to review the decision, applications have been lost and misplaced and as far as the prison are concerned I will now wait here and they have at least 3 years to complete any assessment they want

My fear is that when I am assessed in a coupe of years time, I will then be over tariff and have to spend longer than necessary in closed conditions when it could have been completed and I could now be being tested in Cat D conditions.

What I dont undestand is that the prison say that you shouldn't be moved to open conditons when we have 2 years of more left to serve but the Parole Board can send you with 3 years left.

It seems that there are conflicting views and to prevent the Parole Board from even having a chance to review my case seems unjust to me.

I have submitted internal appeals but I am in the process of contacting the Parole Board directly to ask them to look at my case. I hope to challenge this and know that others are in my position as well.

I look forward to reading your guide in December's edition.

Name supplied - HMP Ranby

We are offering a free 2015 calendar for every reader !

All you have to do
is cut out the claim
form on page 28
of this paper and
send it to us with
your name, prison
number and
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#### THIS MONTHS OFFICIAL TOUGH WORKOUT FOCUSES ON TH

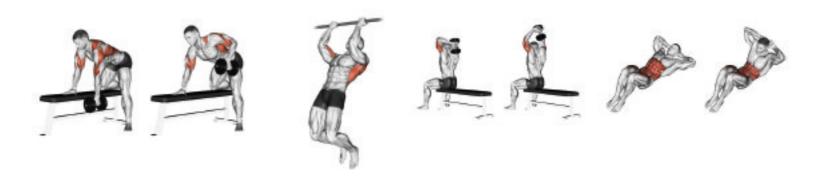
Due to its intensity, this workout should re-



### **Day 1 - LEGS:**



### **DAY 3 – BACK & TRICEPS:**





Quads: sumo squats: 10 X 10 reps Leg extension: 3 x 10 reps

Hamstrings: Stiff leg deadlift: 10 x 10 reps

Lying leg curl: 3 x 10 reps



Chest: DB flat bench press: 10 x 10 reps

Incline DB flyes: 3 x 10 reps

**Biceps: DB Curls:** 10 x 10 reps (each arm) **Lower abs: knee raises:** 10 x 15 reps



This Pull out guide has been sponsored by

# PrisonPhone

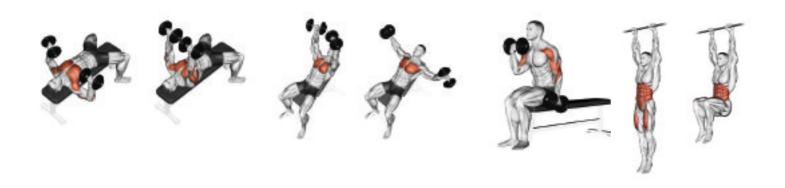


#### E PROGRAME KNOWN AS GVT (GERMAN VOLUME TRAINING)

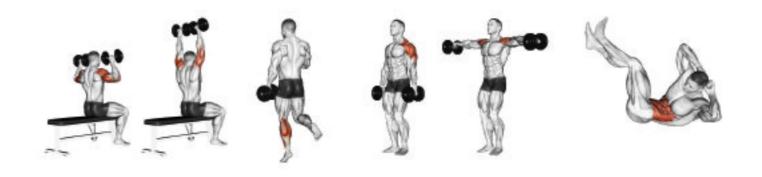
not be exceeded for more than four weeks.



#### **DAY 2 – CHEST & BICEPS:**



### **DAY 4 – SHOULDERS & CALFS:**





Back: Bent over rows: 10 x 10 reps Pull-ups: 3 x 10 reps (Weighted if preferred) Triceps: Triceps extension: : 10 x 10 reps

Crunches: 10 x 20 reps



Shoulders: DB Military press: 10 x 10 reps Calves: DB Calf raises 10 x 20 reps Lateral Raises: 10 x 10 reps Oblique Crunch 10 x 20 reps

# German Volume Training (GVT) regime courtesy of

# www.PrisonPhone.co.uk(🕻



We hope you enjoyed the centre page workout over the page, now the hard work begins! New year -New you!

Do you want to gain muscle, lose fat and increase strength at the same time?

That's like asking if you want someone to hand them a suitcase with a million pounds in it whilst in the middle of a date with a lingerie model and her twin sister after being released early for being AWESOME!

The answer, of course, is "hell yeah".

**German Volume Training** is a great way to develop muscle groups whilst providing a great cardiovascular workout due to its intensity.

We also all know anything named after an Eastern Bloc country is TOUGH (Turkish Get-Ups, Bulgarian Split Squats or Russian Twists,)

GVT has all the major muscle groups covered and they are all getting hit with major intensity.

In fact, there are so many 'majors' going on here, the prison officers are going to have to salute you every time you walk in the gym.

GVT is a tried and trusted protocol that has been working for nearly 40 years, and if something's still being talked about and used for that long, it must be the dogs (insert your preferred term here!).

The workout is illustrated on the next page and is split into days **DO NOT MISS A DAY** if you can't get to the gym just start from where you left off the last time and be sure to do every day at least 4 times before you finish the programme!

#### **Notes:**

When in the concentric phase of the movement (moving the weight from the start position to the rep end position) count to 4 seconds keeping the muscle under tension for this period of time.

The eccentric movement (getting the weight back to the starting point should last no longer than 2 seconds.

There should be no pause when the weight is at the top of its rep so if you need to pause at this time the weight is too heavy

Each rep should lase for 6 seconds and each set no longer than 60 seconds, if it's taking you any longer to get to 10 reps then the weight is too heavy.

Between sets you should rest for no more than 90 seconds (rest less if you can)

Remember GVT is not a programme where your ego has any place.

Weight is medium to low so focus on the 6 second rep rule and your form not the amount of kilos on the bar!

Good Luck!



#### **Hello from Prison Phone Ltd:**

You may have seen our advert in the last two editions (and on the back page of this one) previously and we wanted to let you know a little more about us!

At prison phone we believe maintaining a healthy body and cardiovascular system is vitally important to help deal with the day to day stresses of prison life!

We also believe that maintaining contact with the outside world makes your days go faster and eases the strain you being in prison can put on your relationships with both family and friends.

That's why we are proud to sponsor the Jail Mail centre page fitness guide and is also why we are passionate about keeping you connected!

Our service if you are not already familiar gives your friend or family member a new secure, dedicated local telephone number

that is directly linked with their existing mobile phone, we DO NOT divert or transfer the calls making it more secure then a regular phone line and keeps in line with the guidelines set out within the prisoners communications compact (PSI 49 of 2011).

In a nutshell this means that instead of you having to pay the mobile rate for a call to your loved one (which on average in England and Wales is 37.5p per minute) the prison will only charge you the standard local rate for the call (this should be between 6p and 10p per minute) giving you a way to further stretch your limited spends each week and maintain meaningful relationships with the people you care about most! Ask your loved one to visit us online at www.prisonphone.co.uk or to text the word PHONE to 60777 (they will be charged 1 standard network rate message for this text) to find out more about us and to set up an account today!

### OFFICERS DETAINED IN JAIL CELLS FOR 6 HOURS AT MAGISTRATES COURT



Court appearances were delayed on 27 November at Hendon Magistrates court after security guards were accidentally locked inside jail cells which are usually meant for prisoners awaiting hearings.

Custody staff from Serco had to wait six hours as engineers worked to free the officers.

The court had to be closed and all prisoners were diverted to Willesden Magistrates Court for ongoing hearings.

The officers became trapped when the custody suite safe that contains the keys to unlock the external doors of the cells failed.

Serco's contract director, David Holdsworth said: "Serco staff check the security and safety of cells and custody suites in all courts every day.

"On this occasion, while staff

were inside the custody suite the safe that contains the keys to unlock the external doors of the custody suite failed.

"Our procedures were immediately followed and all remaining staff and prisoners were diverted to other courts and all court hearings were completed."

# Social - Media Attention: Blog of the Month

# Alex Cavendish @prisonuk http://prisonuk.blogspot.co.uk

#### Prison Letters: a Spark in the Darkness

As I've written before on this blog there is a 'long littleness' to life inside prison. Almost anything that breaks up the mind-numbing monotony can be a welcome break and receiving a positive letter filled with news or kindly words from your family or friends can make an enormous difference. A good letter can be a little glimmer of light in an otherwise dark world.



Officially, prisoners are encouraged to keep in contact with their families and friends in order to maintain morale and as part of the reducing reoffending agenda. It has been long recognised that cons who have strong family support on the outside are less likely to

reoffend than those inmates who are released through the gate to nothing and no-one.

However, the rising costs of keeping in touch do present a potential barrier to inmates who don't have prison jobs or financial support from home.

All prisoners in UK establishments are supposed to be able to send at least one 'weekly letter' free of charge. These A5 folded sheets of lined writing paper come complete with an envelope and will be sent out by 2nd class post, subject to the usual checks by the prison censors' department. In some nicks the weekly letter is pushed under each cell door, while in others it can be collected from a wing office as required. Being a wing letter orderly can be a nice, easy little job for a retired prisoner who wants to keep active by walking round the landings delivering the blank paper and envelopes to his fellow cons.

I've been in prisons where the number of free letters an inmate can write and send each week is determined by their status within the Incentives and Earned Privileges (IEP) system.

At one Cat-B nick a con on Basic level (effectively in solitary confinement) was permitted to send one free weekly letter, while a prisoner on Standard could post out two. Those on the highest level, Enhanced, received three weekly letters. It was a small privilege, but for some cons with no source of income, it could make all the difference.

According to the rules, trying to post out more than your permitted weekly allocation of free mail could get you into trouble. However, to be honest, I never came across anyone who actually did get caught and weekly letters could be traded as low-value items by those who didn't write (or who couldn't) to other cons who did like to do so



No more stamps from families

Prior to the introduction of the revised – and hated – IEP system on 1 November 2013, many

prisons allowed families and friends to send in writing materials to prisoners, including either books of stamps or stamped addressed envelopes. This was effectively banned by the same rules that block inmates from receiving books and clean clothes from their family and friends.

Now, if you want to post a letter in addition to the free weekly one, everything needs to be purchased from the canteen sheet: writing paper, envelopes and, of course, a stamp. For people who are having to survive on as little as £2.50 a week as unemployed prisoners or £3.50 a week as retired or disabled inmates, the proportion of their tiny income that a single letter represents can be a massive sacrifice. Perhaps the more humane wing screws recognise this and turn a blind eye to cons who are penniless sending out a couple of extra free weekly letters.

Nevertheless, in a prison system that purports to value the maintaining of close family ties by prisoners as part of the strategy for reducing reoffending and encouraging resettlement, these mean IEP restrictions appear to run counter to supporting these objectives. Ironically, it also probably means that more prisoners will turn to the free 2nd class service rather than using their own stamps and writing materials. It would be interesting to know whether the overall costs of prison-funded postage have risen since prisoners' families were blocked from sending in stamps and envelopes.



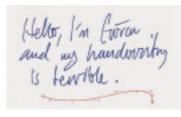
Half of all prisoners lack literacy skills

Being able to write letters yourself is another major bonus inside the nick. A fair number of prisoners do have serious problems with literacy and they can face serious disadvantages in trying to keep in touch with their families, especially if they lack money to buy telephone credits for the wing payphones.

In fact, recent estimates suggest that around 48 percent of inmates have literacy skills at or below Level 1 (what would normally be expected of an I1-year old child), with as many of 75 percent having some problems with writing ranging from poor spelling right through to functional illiteracy. Perhaps it's not entirely surprising when you realise that around half of all adult prisoners have been excluded from school when they were kids.

Before I ended up in prison I rarely wrote letters by hand anymore, although my generation still learned proper handwriting at school and all my exams throughout my education (including at university) involved writing the entire papers by hand in ink. I have been personally shocked at how limited the writing skills of some undergraduates can be these days. I suppose that computers and the electronic submission of essays and coursework have played a part in this.

When I was a prisoner I was determined to write extensively to family and friends. At times, I wrote at least one letter a day, at other times more.



#### Writing by hand: can it be read?

I found that many of my friends were genuinely fascinated by my prison experiences, given that none of them had any personal experience of being banged-up. I found that I really had to relearn how to write everything by hand again following years of typing. I rediscovered the familiar ache of writer's cramp that I'd been so aware of as a student and I found that I really needed to learn afresh how to write long letters legibly, even though my normal handwriting isn't usually too bad.

Writing – letters, my daily diary, short stories, chapters of a future book on the anthropology of prison – occupied much of my free time, particularly when I was in closed prisons. It helped me pass the time during long hours of bang-up, particularly when my various cell-mates wanted to watch the football or other programmes that I wasn't really interested in watching myself.



#### Receiving letters from true friends

Of course, this wasn't just about writing letters. It was also about receiving them and I was lucky that I received at least several a week throughout the years of my sentence, sometimes a lot more. Being in prison is when you do discover who your true and loyal friends and relatives really are. Sadly, for quite a high number of prisoners a week or a month or even a year without a letter is the norm, particularly when their family has broken up or moved on, or else their loved ones have died – an increasingly common situation for many of our elderly inmates.

As I moved between prisons, I continued to stay in touch with friends I'd made by writing to them. They responded with bits of news, gossip and information about changes to the regime at their nick. Sometimes they updated me on their appeals (if they had one), on their progress towards parole or their plans after release.

There seems to be little or no restriction on sending letters between prisoners in different jails unless they are co-defendants or subject to special controls on their communications. Some prisons do have a formal approval system for inter-prison letters, but I never experienced any problems in writing to mates in other nicks.

As an Insider (peer mentor) I was also often asked by fellow prisoners to read letters that they'd received to them or to help them write a letter themselves. In some prisons cons who are literate can make a little unofficial business out of charging a small fee in kind – maybe a thin rollup cigarette or a bar of cheap chocolate – for their

'services'. Fortunately, since I had a decent prison job and some cash coming in from home, I never needed to ask. Sometimes I actually felt it was a privilege to be trusted enough by my fellow cons to help them deal with very personal and difficult family problems in their letters.



#### Looking beyond the prison walls

The process of writing and receiving letters offers many prisoners the chance to look beyond the walls that confine them, especially if they don't have money to make calls from the wing payphones or their families live so far from the prison that they can't have regular visits. Communications from family and friends, especially around Christmas and family anniversaries, can make them feel connected to the real world, as can the occasional family photograph. Prison cells across the estate have hand-drawn pictures stuck on the walls that cons have received in the post from their young kids.

On the other hand, receiving a bad letter – full of hatred, condemnation or severing ties – can be absolutely traumatic, as can letters containing tragic news: a death in the family or information about a serious illness. At times you can see broken men sobbing on their bunks as they read a letter that tells them that their world is collapsing around them, along with all their plans and hopes for the future. Some prisons do ask families to let them know of such news in advance of the letter arriving so that anti-suicide measures can be taken, but sadly many nicks just don't have sufficient staff to monitor these situations effectively.



#### Writing can free the mind in prison

When I left prison earlier this year I took with me a large bag of letters and cards that I'd received when I was inside. They cover the whole period of my sentence and document all the highs and lows that pretty much every con will be only too familiar with. In fact, I'd say that these letters, as well as my daily diaries, are the most important items I still have from my time in prison. Every one means something to me.

Prison can be a hard and demoralising experience for many prisoners. That's why a loving, kind or funny letter being slid under your locked and bolted cell door or handed out by a wing screw can make all the difference. Pity those who have no-one to write to them and no spark of light in their darkness.

# **HIGH DOWN 11 ACQUITTED OF**

# **ALL CHARGES OF PRISON MUTINY**

n a major setback for Chris Grayling and the Ministry of Justice (MoJ), a crown court jury has acquitted eleven prisoners of charges of prison munity following protests over deteriorating conditions at HMP High Down, a Cat-B establishment at Banstead in Surrey.

The verdict, which has been largely ignored by the national media, is likely to have serious implications for the way in

which the Prison Service and the Crown Prosecution Service (CPS) prosecute prisoners who participate in future protests over restrictive regimes and poor treatment.

The 'High Down 11' had been accused of participating in a prison mutiny in October 2013 when they protested about the new, restricted regime imposed at the jail and initially refused to return to their own cells before barricading themselves into one cell.

They were all charged with "engaging in conduct intended to further a common purpose of overthrowing lawful authority at High Down prison" – an offence that carries a maximum penalty of ten years' imprisonment on top of an existing sentence.

Typically such convictions result in an additional seven or eight years. Three prisoners received nine-year sentences when wings at HMP Moorland, a Cat-C near Doncaster, were severely damaged during three days' of rioting in November 2010.

The actual offence under Section 1 of the Prison Security Act (1992) is committed "when two or more prisoners, on the premises of any prison, engage in conduct which is intended to further a common purpose of overthrowing lawful authority in that prison. The offence is aimed at behaviour intended to make a prison, or part of prison, ungovernable."

In fact, the mutiny charge is rarely used because the prison authorities have other internal disciplinary procedures available and more serious incidents can be referred to an independent adjudicator (a visiting district judge) who can add up to 28 days on top of a prisoner's existing sentence.

As the Crown Prosecution Service (CPS) notes in its legal guidance to prosecutors: "in many circumstances, confirmation of disciplinary proceedings will make a prosecution for prison mutiny, or other substantive offences, unnecessary."

On this occasion, however, the CPS opted to charge the eleven High Down prisoners, presumably to make an example of them in case others were tempted to follow their example and protest against poor prison conditions amid widespread budget cuts, staff shortages and overcrowding.



The basis of the prosecution case was that when the accused prisoners were told to go into their cells they responded: "F--k off, we want our association, we are not going behind our doors".

They then barricaded themselves into one cell for over seven hours.Part of the prosecution evidence was a note that the prisoners pushed out from under the cell door.

It apparently read: 'The reason for these capers is we are not getting enough food, exercise, showers or gym and we want to see the governor lively'. The note added that they were 'not getting any association and [were] banged up like kippers'.

The protest then assumed something of a surreal tone when the men barricaded in the cell offered to end their protest if they were given 'mackerel and dumplings' to eat. Many of their demands focused on the way the prison regime had deteriorated significantly, as well as the way in which complaints were being ignored by senior management.

After some hours of fruitless negotiations – and the apparent trashing of the cell fittings – a riot-busting Tornado Team of 40 specially trained officers was called in to end the protest. Even then, the prosecution asserted, the protesters did not "come quietly".

During the three-week trial at Blackfriars Crown Court, the prosecution offered an insight into the events that led up to the alleged mutiny:

"During 2013 a scheme known as New Ways of Working was introduced in the prison driven by prison service management in line with Government austerity measures and was a requirement for all prisons in the UK. It came into effect on 1 September 2013, some six weeks before the incident."

Next the prosecution barrister explained what New Ways of Working really involved: "The purpose was to make High Down prison more efficient from a government perspective, a significant reduction in the number of staff and a more restrictive regime for prisoners.

There were fewer staff to carry out day-to-day activities. Staff shortages and a revised timetable led to changes in the core daily timetable and meant prison-

ers were locked up for longer periods during the day."

**HMP High Down** 

Even the Governor of High Point, Ian Bickers, seems to have conceded in his evidence to the court that it was the government's imposed changes that had led to the staff shortages, the deterioration in regime and – ultimately – the prisoners' complaints and finally the protest. As he told the jury:

"Prison governors to some degree have less discretion about what they can do and when. They follow a standard process and every prison is benchmarked against another. The core day is 7.30am to 7.30pm. Less prisoners are actively involved in work or education and they spend more time locked up."

Other changes involved the ending of two hot meals a day, with packed lunches being substituted for one of these. Mr Bickers also observed that the MoJ had accepted that they may have got it wrong and were trying to recruit additional staff for the prison.

The defence case was that the eleven men were protesting legitimately over poor prison conditions. After hearing all the evidence, the members of the jury then voted to acquit the prisoners on all charges.

The trial has also led to an embarrassing public washing of the Prison Service's dirty linen. As one of the defence barristers, Andrew Jefferies QC, observed afterwards:

"By its verdicts, the jury must have accepted that the defendants may have been legitimately protesting rather than intending to overthrow the prison authority."

He also added the rather pointed observation that: "During the trial, the jury heard about the independent monitoring board report and the growing complaints within the prison, particularly since the implementation of the cuts in September 2013."

It is difficult to conceive of a more problematic outcome for the Prison Service, since this verdict will almost certainly undermine any further use of the prison mutiny charge for such mass trials unless a whole establishment is hit by a major riot, with staff being injured.

It may seem that, from Mr Grayling's perspective, English juries can no longer be trusted to convict prisoners who protest against what are being seen as increasingly inhumane and unacceptable conditions in UK prisons.

Written by Alex Cavendish

# Schools, prisons and councils must fight radicalisation! says Theresa May

The Home Secretary has announced that schools, prisons and councils are to be required by law to enforce measures to prevent "would be" extremists from being drawn into terrorism.

A statutory duty will be placed on certain organisations including the police, probation, colleges and universities which will aim to help deter radicalisation.

Theresa May told a counter-terrorism event in London that, if organisations fail in their duty, ministers will be able to issue court-enforced directions to them. The new move is part of just a number of changes in the new Counter-Terrorism and Security Bill which is designed to tighten up protections in the UK.

The new legislation will include measures to ban insurance companies from the bill for terrorist ransoms and includes previously announced plans to prevent foreign fighters from returning to the UK for a short period of time.

Other examples of measures organisations could be required to put in place were extremist speaker policies in universities.

"The organisations subject to

the duty will have to take into account guidance issued by the Home Secretary", she added.

In the last 4 years, a total of 753 people have been arrested for terrorism related crimes, whilst 212 have been charged and 148 have been successfully prosecuted.

There are a total of 138 people at this time in prison serving sentences for terrorism-related offences, whilst 13 people have been extradited.

Also in the last four years, the Home Secretary has revoked the British citizenship of 27 people in her crack down on terrorism.



# **THERESA MAY:**

"We are engaged in a struggle that is fought on many fronts and in many forms. It is a struggle that will go on for many years.

"And the threat we face right now is perhaps greater than it ever has been - we must have the powers we need to defend ourselves."

### HMP North Sea Camp needs to do more to prepare prisoners for release

"The offender management unit simply could not cope with demand" - Nick Hardwick

HMP North Sea Camp has been criticised in a recent inspection report that more must be done to reduce reoffending when out in the community.

The unannounced inspection was carried out in July this year when HM Inspectorate of Prisons Nick Hardwick visited the category D prison

The report criticised the prison's role of preparing prisoners for release and said processes were "slack".

The National Offender Management Service has said that despite the concerns raised, the prison was making progress.

Release on Temporary licence has been restricted and tightened after a number of

prisoners have absconded to then commit further offences.

The report, released on Tuesday 25 November, said being allowed out had become seen as an automatic entitlement rather than a carefully controlled privilege.

It must however be recognised that certainly for indeterminate sentence prisoners, the Parole Board has assessed that they are manageable in such an open establishment and it is only a small number that do abscond.

During the inspection, prisoners reported higher levels of bullying than seen in similar prisons and not enough was being done to understand their concerns.

The easy availability of substances such as 'Black Mamba' was also highlighted in the report.

This is an ongoing problem, not just in North Sea Camp but across the prison system as a whole. Nick Hardwick, chief inspector of prisons, said North Sea Camp "had got its priorities right" in managing the men safely at a time of staff shortages.

"The progress it has made needs to continue so that it does more, not just to hold men safely during their sentence, but to reduce the risk they pose of reoffending after release."

"The number of work experience and education placements in the community were too few for the number of prisoners risk-assessed as suitable and the range of placements available did not sufficiently build on what was available in the prison or on preparing prisoners for employment on release."

Michael Spurr, chief executive of the National Offender Management Service, said in response to the report: "Temporary release is a vital tool in preparing prisoners for release.

"I'm pleased that he has concluded that after a thorough review the processes are now much more rigorously and safely managed."

Internal procedures at North Sea Camp have been improved and staff have been recruited to increase the amount of time needed to complete "rigorous multi-agency risk assessments".

Left: Chief Inspector Nick Hardwick, and HMP North Sea Camp





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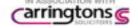
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#### **Congratulations: The Samaritans Listener Scheme at HMP Exeter wins award**



The Samaritans Listener Scheme has been proudly awarded the Cross-Sector Partnership of the Year Award for its work with the National Offender Management Service.

The charity has been working with prisoners at HMP Exeter and so far this year 19 prisoners have been trained to help others who are distressed or finding it difficult whilst serving their sentence.

The newly trained listeners are now responding to requests of support to help fellow prisoners, both first time offenders and longer serving prisoners.

The work at HMP Exeter is led by deputy

director of the local Samaritans branch, Paula Longden.

She said: "On average we have around six prisoners volunteering as listeners at any one time in HMP Exeter and this award is a tribute to them.

"The listeners perform a great duty to fellow prisoners at what can be a very stressful and despairing time, especially if this is their first experience of prison. It's really heart-warming to see the listeners themselves grow in confidence as they support other prisoners who are finding it hard to cope."

Dave Crawford, head of residence and safety at Exeter, said: "Their work is valued by staff and offenders alike."

The scheme is run all over the country and can offer invaluebale help to those who need it the most.

#### Invisible Wall £9000 donation to help families in prison



Set up three years ago, the Invisible Wall aims to help maintain links between those serving at Winchester prison and their families, particularly those with young children.

The service helps by running courses to improve parenting skills, and runs family days, where friends, families and detained inmates can be together in an informal environment and have invaluable playtime with their children.

The Scheme has now received a cash boost with the donation of £9,000 from the Rotary Club of Southampton and Rotary District 1110.

The scheme plans to use the money towards ensuring the service can continue to provide support to families both inside and outside the prison and pay for information leaflets at the visitor centre to make the project known to as many families as possible.

The project aims to reduce reoffending by

strengthening family ties, and reduce intergenerational offending.

Invisible Walls works to achieve these outcomes by working across two service hubs HMP Parc, HMP Winchester and the surrounding community.

This model enables the service to work with both the imprisoned fathers and their partners and children living in the community.

The following interventions and support services are provided to prisoners and their families via

family intervention workers based inside the prison and practitioners based within the community (although workers will often work across both areas):

- Parenting programmes
- Advocacy services
- · Family Group Conferencing
- Volunteering programmes

Support is delivered to the offender and their family 12 months prior to release from prison and for a period of up to 6 months in the community. This service is invaluable and helps with ongoing support.

Service lead Kerry Longhorn said: "We are so very grateful for the support from Rotary which will enable us to continue the work we do."

# Drugs & mobile phone prison run business uncovered by FBI

Inmate Tavo White detained at a prison in Balitmore USA, showered female guards with extravigent gifts including cars and diamond rings.

White alledgedly netted a reported \$16,000 (£10,000) a month from smuggling drugs and mobile phones into prison with help from his associates.

Officers allegedly smuggled the drugs and phones in their shoes for the 'Black Guerrilla Family', a gang which also operates on the streets of Baltimore City.

The details of his prison run business was uncovered after authorities jumped on a major smuggling

ring inside the prison – and 13 female prison guards, seven inmates and five co-conspirators face charges.

Four female officers had allegedly fell pregnant to White while he was behind bars. 2 of the officers had Tavo's name tattooed on their neck and wrist.

All 12 officers involved have been suspended without pay subject to further investigations.

FBI Surveilliance caught White saying, 'This is my jail. You understand that,' and claiming to control everything from contraband to mob hits within the establishment.



# Plans to buy firearm foiled by prison authorities

A plan by a prisoner from Leeds who tried to sell a gun and ammunition to a fellow inmate he met in prison was foiled after the pair's intentions were recorded and overheard by authorities.



Yamin Hussain, 23 from Beeston and a serving prisoner for robbery with an imitation firearm had made arrangements to sell a 9mm pistol and ammunition for the price

of £650 to James Clague, another serving prisoner who police said was going to use the gun to "seek revenge against others he believed had wronged him".



for Clague, 28 from Seaton in Cumbria to collect the gun from a third party in Leeds after he was released from HMP Wealstun.

Hussain,

arranged

However, after their plans were oveheard and disclosed to the Governor, Hussain was stopped from making final arrangements, preventing Clague from buying the 9mm pistol.

After Clague returned by train to Cumbria, he was intercepted by armed Cumbria police officers at Carlisle station before being arrested. Both men were sentenced to 11 years each on 24 Novemeber at Carlisle Crown Court after admitting conspiracy to possess a firearm with intent to endanger life.

The investigation was led by Detective Inspector Ian Harwood of Cumbria Police, who said:

"James Clague posed a serious threat to the lives of a number of individuals in West Cumbria.

"Not only that, he planned to do this by arranging with fellow prison inmate, Yamin Hussain, to buy a handgun when released from prison with the full intention of endangering the lives of others.

"This was a calculated plan to seek revenge against others he believed had wronged him." "I wish to reassure the community that serious threats to life, as in this case, are very rare, however when encountered Cumbria Constabulary will utilise all powers and resources necessary to safely deal with the threat and protect individuals and the community.

"I wish to pay tribute to the bravery of witnesses in this case who were prepared to take the stand, give evidence and stand up to these thugs.

"Clearly their contribution has been massive and led to today's result."

"The sentence today reflects the seriousness of the offending in this case and sends out a very clear message that this sort of behaviour will just not be tolerated in our community."

# Go ahead for Wrexham "super prison"

Council leader Mark Pritchard: "The decision by last night's planning committee to grant permission on the 'reserved matters' means that the project can go full steam ahead."

The £212 million plans for the long awaited Wrexham "super prison" have finally been approved and should be up and running in 2017.

At the beginning of November members of the county planning committee voted to unanimously support the development on the site. The plans had previously been deferred in October due to a lack of information in relation to the new establishment.

In a report to councillors, Wrexham council's head of community wellbeing and development, Lawrence Isted said:

"Since the deferment the applicant has provided information on all of the conditions that were attached to the outline planning permission, even where those conditions did not expressly require the submission of full details at this time."

"The applicant has provided an information pack re-presenting the information that they had submitted up to the

date of the October committee, clarifying outstanding details and submitting further amendments, principally related to drainage, contamination, external materials and off-site directional signage."

The prison will hold more than 2,000 prisoners and as a result Lead Member for Economic Regeneration, Neil Rogers said: "There will be around 100 apprenticeships, recruited locally where possible, and around 500 days of work placement schemes increasing each year

during construction."

Wales Office Minister Alun Cairns said: "This final approval is very welcome.

"This development, through its construction, running and maintenance, will bring a huge number of jobs to Wrexham and the surrounding region."

However, the plans are not welcomed by everyone. We reported in October that residents nearby to the site have placed homes up for sale.

Ray Squire community councillor said that there were still a number of residents that are "very unhappy" with the plans but the build is still going ahead.

Speaking to reporters Jason Mohammad said locals were "still filled with trepidation about having a prison on their doorstep".



# History in Pictures





The day Sweden changed from left hand drive to right, 1967





Alfred Hitchcock with the MGM Lion, 1958

#### **Domineering**

**Players**: Two - Also known as: Crosscram, Stop-Gate

The players take turns linking pairs of dots on a grid.

The first player unable to move loses.

#### Description

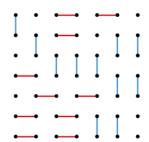
The game is played on a matrix of dots.

The players take turns in linking a pair of adjacent dots.

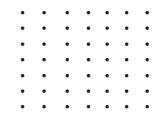
The first player, Blue, always makes a vertical link, and the other player, Red, always makes a horizontal link. No dot can be linked more than once.

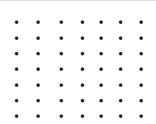
The first player unable to move loses.

#### Example



#### Your turn!





# New Government plans for sobriety bracelet for alcohol offenders

UK judges to be given the power by Conservatives to impose abstinence orders instead of prison to help with rehabilitation at a cost of £15 million for tax payers.

David Cameron has announced that Conservatives intend to give additional powers to courts to use alcohol abstinence orders if the party is returned to government next year.

People convicted of threatening behaviour, assault, criminal damage and drink-driving or common assault under the influence of alcohol, instead of going to prison would be forced to wear an electronic tag, which tests sweat for alcohol, for up to 4 months.

The "bracelet" which was famously sported by actress Lindsay Lohan after missing a probation hearing following a conviction for drink-driving, would be fitted around the ankle, and automatically samples the wearer's perspiration every 30 minutes. The data is then transmitted to a base station, where the information is downloaded and checked by



#### Alcohol Monitoring Bracelet used in the USA

If the blood or sweat has an alcohol level of more than 0.02 then it will be followed up by a visit by the authorities.

Sources have said that the Home Office envisaged up to 5,000 offenders a year would be ordered to wear the tags, totaling a cost of approximately £15 million of tax payers money.

The idea which is already in use in the United States has shown that that abstinence orders have reduced reoffending in some states by up to 14%, which Cameron hopes to achieve here.

Police commissioner Sir Bernard Hogan-Howe, who is in support of the new plans, said:

"It is important for us to use technology and to use these preventative measures around two areas - one around alcohol and certainly around drugs because the two most aggravating factors around crime tend to be those areas," Hogan-Howe said in December 2011.

"You can literally smell the problem in the air by walking around police cells at night", he said. "So many of the those being held are drunk. The point is if you can reduce the alcohol intake over time, it may well be that we have got a great benefit we can offer our society and maybe young people."

Judges will have the discretion to impose the order for most offenders, who will be made to wear the bracelets for 60 to 90 days, with a maximum punishment of up to 120 days.

If successful the bracelet could used to monitor offenders in the community once released on licence conditions which could act as a further deterrant.

However, if a breach of the conditions resulted in recall, this would defeat the purpose of the plans to keep offenders out of prison and to help with rehabilitation.

There have however been false readings in America, where eating a yeasty bread or bread with lots of raisins has triggered the alarm. Experts also say that if not cleaned properly then the system can also misread alcohol levels.

'The Alcohol Abstinence and Monitoring Requirement (AAMR) is already lawful. Under the AAMR, an individual can be required to abstain from alcohol for a fixed period of time as part of a community order or suspended sentence order.

An order was signed by Justice Secretary Chris Grayling to commence the pilot earlier this year in south London.

#### "A new government should impose a royal commission on Prison Policy"

Louis Blom-Cooper QC, Campaigner has suggested that the next Governement should put into place a royal commission on the penal system to end the 'perverse' outcomes of politicians setting sentencing policy.

In a brochure created by Blom -Cooper and academic Seán McConville, of Queen Mary University of London School of Law, The QC outlines that the existing political mechanism is 'ill-adapted to construct and promulgate penal and related criminal justice policy'.

As a result of which the prison population is through the roof whilst crime in steadily falling.

He said: 'We have a disjunction here that were it to occur in almost any other field of public administration would have been at the centre of a prolonged national debate." Successive governments since 1980 have failed to instruct any expert body to set a policy.

It is recommended that the government recommend a royal commission to examine such questions as the relationship between crime rates and punishment, and how the budget for the penal system should be spent.

# National Prisons week initiative: Prison art goes on show at local Cathedral

Approximately 40 prisoners have been involved in a project over the last few months which saw artwork from HMP Chelmsford showcased at Chelmsford cathedral for the very first time.

The artwork produced had a theme of "Change and Moving Forward" and the pieces included paintings, drawings and collages, many of which featured the inmates' own personal experiences. The exhibition was part of the

National Prisons Week initiative.

This initiative is run by churches and aims to stimulate discussion, highlight concerns and share hope, in prisons and communities across Scotland.

Prison Chaplain, Rev James Ridge, told reporters: "This is a fantastic opportunity for us to build on our links with the Cathedral and present a side of prison life that many never get to see.

"The project, which has been led by our counselling service, gives prisoners the chance to use art as an opportunity for self-expres-

"It's been fascinating to see their interpretation of the theme; one piece is based on an image of a phoenix, others have used the Cathedral's famous Tree of Life image as inspiration."

"The value of self-expression through art has long been

acknowledged, but to have that expression valued and affirmed by others outside the prison is a valuable step in the process of rehabilitat- the Worcester and Hereford area, ing prisoners back into society."

Prisons Week is an annual event organised by the Christian community to encourage prayer for prison- A Ministry of Justice spokesman who care for them.

Chaplaincy staff at HMP Long Lartin prison attended a service at Worcester Cathedral on Sunday 16 November to mark the start of the week, where prayers and testimonies from prisoners at Long Lartin were read out.

Managing Chaplain said: "I want to pay tribute to the tremendous support we get from volunteers in who are giving up their time to help these offenders turn their lives

ers, their families, victims and those said: "Chaplaincy teams have a key role to play in educating prisoners about faith. '

> "Prison Chaplaincy is, and will continue to be, inclusive and multi faith, and all prisons have a team of chaplains from a wide range of traditions to meet the needs of their population."

Free 2015 calendar for every reader ! Please see page 28 for further details

# HM Inspectorate reports

#### November - December 2014

#### **HMP Elmley - Inspectorate report (date of publication 12 November)**

This is an introduction to the recent HMP Elmley HMPI report completed by:

Nick Hardwick HM Chief Inspector of Prisons

The full report can be found on

http://www.justiceinspectorates.gov.uk/hmiprisons/

HMP Elmley is a local prison on the Isle of Sheppey in Kent. For a long time Elmley was part of the 'Sheppey cluster' of three prisons on the island; it is now a stand alone establishment. At the time of this inspection, it held 1,252 men, well above its certified normal accommodation of 985.

Like other prisons in the south east of England, Elmley struggled to deal with the pressures created by a large number of staff vacancies. This inspection revealed very serious concerns

At the heart of the prison's problems was a very restricted and unpredictable regime. Association, exercise and domestic periods were cancelled at short notice every day. We witnessed many examples of prisoners being turned away from education and work because prison officers were not available for supervision

About 15% of the population, or almost 200 men, were unemployed and they routinely spent 23 hours a day locked in their cells.

The prison had recently appointed a new learning and skills manager after the post had been vacant for a year.

There were some signs of improvement but provision at the time of the inspection remained very poor. Ofsted judged the limited activity that was on offer as inadequate in every area.

Much of the work was very mundane and the excessive 200 prisoners employed on domestic tasks were not kept fully occupied.

To get a job, prisoners needed basic levels of English and maths – about 30% of the population needed assistance to reach this level but there was insufficient provision to meet the need. Some prisoners who wanted to improve their basic skills and wanted to work were therefore required to be idle.

The quality of teaching available was not good enough and achievement rates were low. Insufficient resources slowed learning. Some poor work practice and behaviour by prisoners was not challenged by activities staff. Despite the commendable efforts of the staff involved, access to the gym and library was very restricted. The very poor quality and quantity of purposeful activity prepared prisoners badly for release, and rehabilitation activity overall was unsatisfactory. The offender management unit was overwhelmed.

Only a half of the offender supervisor posts were filled and these staff were frequently redeployed to other duties in the prison. One of the offender supervisors had 47 high risk cases, none of whom she had seen in the last six to eight months. Prison offender supervisors received no training or meaningful supervision appropriate to their role.

There was a backlog of 271 risk assessments. None of the cases reviewed by the probation inspectors showed that meaningful work had been done to address the offending behaviour of the prisoner concerned.

Critical information in risk of harm assessments was missed or misrepresented, which could have left staff, other prisoners and victims vulnerable.

Public protection work was weak. We identified one prisoner whose phone calls should have been monitored but were not.

Attendance at fortnightly public protection meetings was poor and this undermined multi-agency public protection arrangements. Oversight of categorisation decisions was insufficient and prisoners serving indeterminate sentences were not identified or supported and found it difficult to progress.

Although offender management was very poor, practical resettlement services, which are especially important for a local prison that discharges large numbers of short stay prisoners, were better.

Prisoners' practical resettlement needs were addressed efficiently on arrival and again 10 weeks before discharge.

There was a small amount of useful 'through the gate' work.

Crucial accommodation services were good but this service was due to be temporarily halted after the inspection because of staff shortages.

Support to help prisoners obtain education, training or employment after release was good when it was available, but only a quarter of prisoners were able to attend the useful pre-release course before they left the prison.

Practical help with health, substance abuse and money issues after release was good. Lack of association time meant that prisoners found it difficult to use the phone to maintain contact with their families and work to support prisoners in maintaining positive family relationships was very limited.

Visiting times were disrupted by staff shortages and there was little recognition of the difficulties visitors faced due to the prison's isolated location. At the time of the inspection it was hard to see how the prison would be ready for its new function as a resettlement prison.

Staff shortages affected relationships between staff and prisoners. Inspectors were frequently mobbed by prisoners wanting simple domestic issues resolved and although we saw some good interactions between staff and prisoners, and prisoners told us about helpful staff, contact was too limited. There were a very high number of complaints and many of these concerned minor matters that could have been dealt with informally by staff. Physical conditions required improvement and this was exacerbated by the length of time prisoners spent in their cells.

Almost 200 prisoners were held three to a cell designed for two and 416 prisoners were doubled up in single cells. Many cells were poorly ventilated, very warm in the week of the inspection and had inadequately screened toilets.

Prisoners told us they had difficulty obtaining cleaning materials and managers explained this was a consequence of budget restrictions.

Cell bells were not answered quickly. Some communal areas were dirty with litter piled into corners and had damaged toilets and showers.

There was a major problem with bird droppings inside the buildings which were evident in many communal areas and on floors, hand rails and stair wells.

While there were some weaknesses in equality and diversity work, prisoners from black and minority groups reported more positively than their white counterparts and those with an indentified disability were well cared for. Significant efforts had been made to meet the complex needs of three transgender prisoners. Faith provision was good and the chaplaincy played an active and positive role in the life of the prison.

Most aspects of health care were good and despite all the difficulties in the prison, we saw prisoners in the recovery unit with serious mental health problems being treated with kindness, patience, sensitivity and skill by hard-pressed staff.

However, management of medicines was very poor, and this created serious risks of prisoners receiving the wrong dose at the wrong time and that the trading or theft of prescribed medicines would lead to trouble in the prison as a whole.

Prisoners carried out many essential roles in the prison: induction insiders, listeners, diversity representatives, violence reduction representatives, resettlement peer workers, and more.

They played an essential role but we were not assured that the governance and supervision of prisoners in these powerful positions was adequate.

Though levels of violence were similar to comparable prisons, they were deteriorating quickly. The overall number of fights and assaults had increased by 60% over the past year and the trend was upwards.

The number of serious assaults had also increased sharply. Over the previous 11 months there had been 11 acts of concerted

indiscipline when prisoners had refused to return to their cells. There had been none in the 12 months before that. More than half of prisoners told us they had felt unsafe at some time and a quarter told us they had felt unsafe at the time of the inspection.

The first night centre was an unstable and frightening environment with a toxic mix of new prisoners and others who had been in trouble elsewhere in the prison.

Inspectors witnessed vulnerable prisoners being abused without staff intervention. The number of self-harm incidents had increased and there had been five self-inflicted deaths since the last inspection in 2012. Care for prisoners at risk was reasonable but insufficient attention was given to recommendations from the Prisons and Probation Ombudsman and monitoring procedures were not always completed adequately.

We found one example of a man who had been identified as at risk, who had a history of self-harm and whose mother had died three weeks earlier but who had not had the required initial assessment for almost four days.

Staff told us this was not unprecedented. It was clear that some prisoners were seeking refuge in the segregation unit and were refusing to return to the wings once there.

Relationships in the segregation unit were reasonable but the regime was poor.

There were a high number of adjudications and about one in six were because prisoners had refused to return to the wings. Use of force had increased. There was insufficient positive work to encourage prisoners to improve their behaviour.

Security was reasonable. The mandatory drug testing (MDT) rate was relatively low but we did not believe that provided an accurate picture of drug use in the prison. Forty per cent of prisoners told us it was easy to get drugs, the MDT programme was flawed and there were indications that the use of new psychoactive substances such as 'Spice', which were not easily detectable, was common.

One in 10 prisoners told us they had developed a drug problem in the prison. These are very concerning findings and the first priority should be to stabilise the prison. While the inspection was taking place, plans were being made to introduce a much more restricted regime the following week until temporary staff could be recruited.

This would further restrict the amount of purposeful activity and resettlement support available. However, by concentrating officers on the wings, the intention was to ensure prisoners had regular, predictable and safe association and time for domestic duties.

This was a necessary step. Good communication is required, and a full regime needs to be reintroduced as soon as it is practical and safe to do so.

However, the plan relies heavily on the arrival of temporary staff to relieve the pressure. If that does not occur, the population at Elmley should be reduced to a level that can be managed safely and effectively by the staff available.

# **HM** Inspectorate reports

November - December 2014

#### HMP Swinfen Hall - Inspectorate report (date of publication 11 November)

This is an introduction to the recent HMP Swinfen Hall HMPI report completed by:

Nick Hardwick HM Chief Inspector of Prisons

The full report can be found on

http://www.justiceinspectorates.gov.uk/

HMP/YOI Swinfen Hall is a category C training prison near Lichfield holding just under 600 young adults serving between four years and life.

Our last full inspection of the prison was in 2010 when we found outcomes to be reasonably good in all of our healthy prison tests, except for the provision of activity.

The findings of this inspection were similar

Relationships between staff and prisoners were the prison's main strength. Young men received good care and support on arrival and this continued throughout their time at Swinfen Hall.

We saw many examples of good role modelling, staff challenging anti-social behaviour and genuine care, particularly in the segregation unit.

This quality of relationships went some way towards mitigating other features of the prisons' provision that were weaker or required improvement.

The number of violent incidents was low, but in our survey prisoners had comparatively poor perceptions of their own safety, something we observed at our last inspection, and something the prison had still not looked into.

The process to manage violence and bullying, which could have instilled greater confidence among prisoners, required improvement.

A regime that integrated the sex offender population appeared to be well managed but monitoring was too limited.

There was a high number of incidents of self-harm, although a smaller number of prolific self-harmers accounted for a significant number of them.

Tragically there had been a recent self-inflicted death and the prison was, at the time, awaiting the findings of an enquiry from the Prisons and Probation Ombudsman.

Case management of those in crisis was mixed but prisoners at risk told us the quality of care they experienced was good.

In our survey prisoners reported that it was easy to obtain illicit drugs, but other evidence suggested actual availability was more limited.

Use of force was low for the type of prison and was used as a last resort.

We were impressed that the prison managed a challenging young population without the need for special accommodation. Batons were hardly drawn or used. Much of the accommodation continued to be sub-standard with nearly all cells on A, B and C wings needing repair to the windows and many containing damaged flooring.

Repairs of some windows were taking place but much more needed to be done to ensure all young men were held in decent accommodation.

The promotion of some aspects of equality and diversity, notably for gay and bisexual prisoners, was excellent, but provision as a whole was fragmented, leading to mixed outcomes for prisoners from some minority groups.

The standard of care provided by nurses in health care was impressive.

The provision of purposeful activity had improved; the prison had a great range of work and vocational training and broadly sufficient places to meet the needs of the population.

However, Swinfen Hall was still not succeeding in its central task as a training prison. In education not enough prisoners were achieving English and maths functional skills qualifications at levels one and two, despite these being the entry requirement for a prison job.

Prison work for many was mundane and intermittent as workshops were too often closed due to staff shortages or insufficient work.

The allocation of activity places required improvement, as did attendance and punctuality. As a consequence about a third of prisoners were locked in their cell during the working day, which was unacceptable for this type of prison and population.

Library and PE facilities were satisfactory

but like other aspects of the regime, both were underused.

Offender management was reasonably good and most prisoners knew their offender supervisor, but contact with prisoners was not always meaningful and was too often opportunistic and ad hoc.

We were concerned about the limited nature of some risk management plans. Public protection arrangements were generally good, as was reintegration planning and provision across the resettlement pathways.

The prison's application of what was, on paper, an interesting and innovative arrangement for pre-release planning was, however, inconsistent and disappointing.

Overall this is a satisfactory report.

Swinfen Hall remains a generally safe and respectful prison where prisoners are prepared adequately for release.

However, despite the addition of some more activity places, too many young men are locked up when they should be working or remain insufficiently active.

This is a criticism we have raised before and for an establishment which styles itself as a training prison is a significant failing that undermines its other achievements.

#### **Main Recommendations**

#### To the Governor:

- A, B and C wings should undergo a complete refurbishment to bring them up to modern standards.
- The prison should provide sufficient and meaningful activity places and ensure they are used efficiently.
- The prison should ensure that prisoners arrive punctually at their allocated activities and, the reasons for prisoners' refusal to work and non-attendance should be checked to address any underlying causes and concerns.
- The prison should improve achievements at level 1 and 2 for English and mathematics and make alternative arrangements for prisoners whose abilities are too low to attend a combination of education and specific work activities.

#### Recommendations

#### To the Home Office:

 Immigration detainees should not be held in prison unless there are exceptional reasons to do so following risk assessment.

#### To the Governor:

#### Bullying and violence reduction

- There should be further consultation with prisoners to explore the reasons for their poor perceptions of safety.
- The prison should introduce robust arrangements to support victims of bullying and violence.
- Prisoners monitored under the violence reduction policy should receive regular meaningful reviews.
- The prison should collect and monitor the information required to ensure sex offenders are not more at risk of bullying or violence than other prisoners.

#### Self-harm and suicide

- The quality of assessment, care in custody and teamwork (ACCT) documents should be improved.
- All staff should be trained in suicide and self-harm prevention.

#### Safeguarding

 The prison should implement a safeguarding policy and develop formal procedures that safeguard at-risk prisoners from harm.

#### Security

 The mandatory drug testing programme should be adequately resourced to undertake the required level of testing throughout the month.

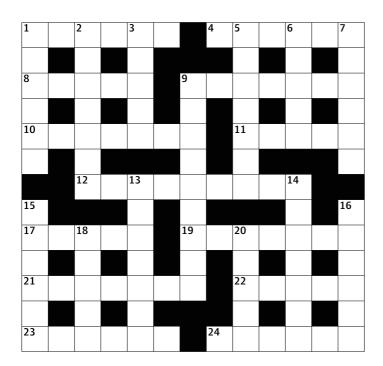
#### Incentives and earned privileges

- The incentives and earned privileges scheme should be applied fairly, and improvement targets should be tailored for the individual prisoner.
- Prisoners on the basic level should have more opportunities to contact their families, basic level prisoners and those on closed visits should have the full visiting time, and family days should not be restricted to prisoners on the enhanced level.

These are just some of the recommendations made by the Chief Inspector following his inspection between the 23 June and 3 July

To see all recommendations please read the full report which is freely acccessible and in the public domain.

#### Crossword



#### Across

- Small Indian turnover, fried and served hot (6) 1:
- On a ship (6)
- 9: Someone with nothing between the ears? (7)
  10: Nuclear apparatus for producing energy (7)
  11: Of birth (5)

- 12: Be lost or stolen (2,7)
- 17: Native American of Minnesota, perhaps (5)
- 19: Away from the sea (7)
  21: Going through a good patch (2,1,4)
  22: Leg bone (5)
  23: Cheers (6)

- 24: Bowler's appeal (6)

#### Down

- Hot and humid (6)
- Ford car, first produced in 1964 (7)
- Wear game generous type (5) Central African republic (7)
- Broker (5)
- Fleece (6) Spring hoax (5,4)
- 13: Candle material effigy (7)
- 14 : Stage and film entertainment (7) 15: Ford car, first produced in 1968 (6)

All you have to do is enter your details below, cut out this form and send it in a stamped addressed envelope to:

- 16: Picky type (6) 18: Nebraska city (5)
- 20: Fight (3-2)

### **Celebrity Tweets**

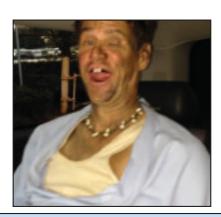


Time to get ready for my big Dumb & Dumber To, movie

premiere, tonight.

Amazing what a little makeup can do!;^P







@MTVUK

The official Twitter account for MTV in the UK

Now THAT's how you rock. Lovin' @MylesKennedy @Slash's performance! Check out the pics #MTVEMA



# Get your **Free** and exclusive 2015 calendar now!

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Give me my calendar, Jail Mail, P0	Box 10419 Nottingham, NG2 9QF.		

Get your calendar free of charge - courtesy of Jail Mail and Carringtons Solicitors.





All calendars will be sent out prior to 1 January 2015 and will be sent via Royal Mail. Please check with your establishment prior to applying that you are authorised to receive the calendar as Jail Mail or Carringtons solicitors will not accept responsibility if you are unauthorised to receive a calender, resulting in the item being witheld by the individual establishment

# Outside - In

What's going on this month outside the prison gate

# **NEW ILLEGAL MAGAZINE FOR SALE IN LONDON**

A new magazine called illegal which was inspired by the Big Issue is being sold by drug addicts who can use the £2 profit on each issue sold to fund their habit has been criticised by police.

'Illegal!' was launched in east London in November and its publishers have defended the publication by saying everyone 'has a right' to do what they want with their bodies.

Sellers, pay just £1.50 per copy and sell it on to the public at £3.50 making a £2 profit per edition sold.

However, seller must tell buyers they will 'more than likely spend the money on drugs'.

Buyers can 'help make them a bit less criminal', the founders say.

It is currently not clear whether the sellers or the magazine's proprietors are breaking the law.

Chief Inspector Ian Simpkins said he was 'not a big fan' of the idea.

"We would always wish to reduce crime and the generators for crime, which funding a drug habit often is of course. This initiative seeks to legitimise and formalise fundraising for illegal drug use which I'm not sure is the answer." he added.

After launch of the magazine, in the first week, one addict boasted selling 100 copies in a few days, pocketing £350.

Its Danish founder Michael Lodberg Olsen sees his publication as a positive business and has said giving drug addicts access to the magazine will help them get money 'beyond theft and prostitution'.

'We don't think the magazine breaks any laws. We have told people that, if someone is unhappy about the magazine being sold near a particular place, then they should move on and not cause any problem.'

Illegal! has sold over 15,000 copies in Copenhagen and over 2,000 copies of the English language version of the magazine were handed out to addicts in London to sell on.

The magazine's foreword states: 'Everyone has a right to do with their body as they wish and, if that means a two-day acid trip in Camden or an ecstasy-fuelled night in Shoreditch, then so be it'

Debra Greaves, 41, a nearby resident said: T'll happily buy the Big Issue as it aims to help people, but this magazine is just a money spinner for drug addicts to get more drugs.

"The legality of the whole operation must be questionable and I certainly won't be buying a copy."

### Australian Batsman, Hughes, dies after being hit with bouncer



Phil Hughes, Australia batsman is in a critical condition after being hit by a bouncer at the Sydney Cricket Ground.

The South Australia, 25, collapsed after a delivery from New South Wales bowler Sean Abbott struck him on the head, missing his helmet.

Horrified spectators at the match watched as paramedics performed mouth-to-mouth resuscitation on Hughes and treated him on the boundary for nearly an hour

Hughes had to be carried off on a stretcher and taken to hospital for immediate attention. He had to be induced into a coma after he collapsed face first on the pitch.

Cricket Australia chief executive officer James Sutherland has sadly announced that he has now passed away & said that it was a "real-life tragedy" and had left everyone involved "completely devastated".

# Barrister who tells of plans to attack the Queen

# is guilty

"I admit that the stuff I deal with is bound to sound strange, highfalutin, incredible and fantastic. It's my world, welcome to my world" - Michael Shrimpton

Michael Shrimpton, 57, a barrister called a friend of former Defence Secretary Philip Hammond in April 2012 claiming that a nuclear warhead had been stashed in an east London hospital and was going to be used to attack either the Queen, the Olympic Stadium, or the opening ceremony.

He told Barry Burton that spies from 'a covert and rather sinister' Germany agency had sabotaged Russian submarine Kursk, which sank in 2000, and stole four nuclear warheads.

The Barrister name dropped members of parliament and boasted of 'credible European sources'.

He said that intelligence had been blocked through official channels because the Germans had infiltrated MI5, MI6 and GCHQ.

During the telephone call which lasted over 20 minutes, the Barrister said that he had gathered intelligence from his own network of volunteers that one warhead was being stored in a hospital in London to avoid detection.

Despite Mr Burton being convinced that the telephone call was a hoax, he had a duty to pass the information over to the Olympic security team and the police.

Shrimpton also phoned the Aylesbury Conservative Association the very next day to discuss the threat with MP David Lidington, which he described as being in the style of American TV show '24'.

The call was then reported to parliament and as a result Shrimpton was immediately arrested.

Shrimpton, who claimed that German spies were plotting to attack the Queen has been found guilty of communicating false information at Southwark Crown Court.

A jury of 12 found Shrimpton guilty of two counts of communicating false information after more than six hours of deliberation, with majority 11-1 verdicts

Sentencing is due to take place in February 2015 after Judge Alistair McCreath QC ordered that Shrimpton be sent for psychiatric evaluation.

The Judge said: 'The sentence that I pass upon you will have to reflect the gravity of the conduct of which you have been convicted.

'But if, as may be the case, there is some underlying reason for it, then it seems to me important that I be informed of that underlying reason and I am therefore minded to order that you undergo psychiatric examination.'

Shrimpton, who is the author of 'Spyhunter: The Secret History of German Intelligence', replied he had 'no objection' to the order that was made.

He was granted conditional bail ahead of sentence on February 6 next year.



# **TIME OUT - Just for Fun**

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DALLAS
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PHOENIX SAN JOSE COLUMBUS BALTIMORE NASHVILLE

#### **TEST YOUR KNOWLEDGE**

- 1. What is the chemical name for Laughing Gas?
- 2. What does a plum become when it is dried?
- 3. Who wrote the novel "Lord of the Flies"?
- 4. What is the first day of Lent?
- 5. What is the name of the Test cricket venue in Nottingham?
- 6. What is the highest hand in poker?
- 7. In the children's story, who is Peter Pan's arch-enemy?
- 8. In which city would you find the Hermitage art gallery and museum?
- 9. In which US State was President Obama born?
- 10. A deficiency of vitamin D leads to which condition?
- 11. Who played Hermione Granger in the Harry Potter series of movies?
- 12. Where in London can you see the statue of Eros?

#### SUDOKU

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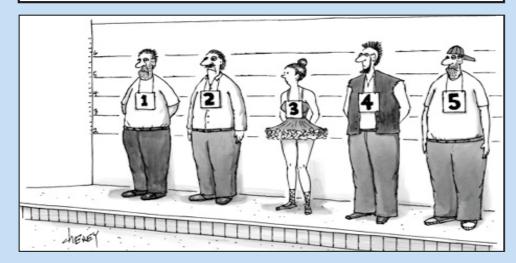
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#### <u>Useless Facts!</u>

- $1.\ \mbox{In}$  1980, a Las Vegas hospital suspended workers for betting on when patients would die.
- 2. A B-25 bomber crashed into the 79th floor of the Empire State Building on July 28, 1945.
- 3. A giraffe can clean its ears with its 21-inch tongue!
- 4. The average human will shed 40 pounds of skin in a lifetime.
- 5. At any given time, there are at least 1,800 thunderstorms in progress over the earth's atmosphere.
- 6. The top butterfly flight speed is 12 miles per hour. Some moths can fly 25 miles per hour!

# Cartoon Caption Contest



Each month, we provide a cartoon in need of a caption. You, the reader, submit your caption below and we will choose a winning caption which will be printed in next month's issue.

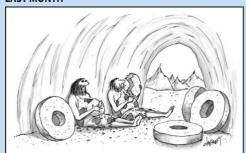
The winner will also receive a prize of £25 which will be sent by postal order. Good Luck!

Please send your caption with your name, number and prison to:

Cartoon Caption Jail Mail Po Box 10419 Nottingham NG2 9QF

Alternatively email us: caption@jailmail.co.uk

#### **LAST MONTH**



Congratulations to Jon Lewis from HMP Lancaster Farms who has been chosen as the winner of last months cartoon caption contest with the following caption:

"Nice one Frank, when you said you needed all our money for Wagon wheels I thought you meant't the chocolate kind... I'm starving" - £25 is on its way to you!

#### Runner up:

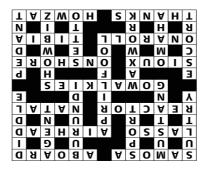
"Are you sure these are doughnuts? They taste more like rock cakes to me!" - James from HMP Ranby

### Your contribution

If you would like to contribute anything for inclusion in the newspaper, such as your own artwork, poems, cartoons or your own made crosswords or word searches, please send these to us and we would be happy to include these in future editions.

We also welcome your feedback and suggestions for future publications, if there is anything you would like us to include please do get in touch.

## **ANSWERS**



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# **FOLLOW US ON**



lesf Your Knowledge Answers
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2. Prune
3. William Golding
4. Ash Wednesday
6. Royal flush
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7. Captain Hook
8. Saint Petersburg
9. Hawaii
10. Rickets
11. Emma Watson
12. Pricedailly Circus

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